

# **Florida House of Representatives**



**End-of-Session Summaries**  
**May 1998**

**Daniel Webster, Speaker**

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# **Academic Excellence Council**

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# **1998 END OF SESSION SUMMARY**

## **ACADEMIC EXCELLENCE COUNCIL**

### **Bills that Passed Both Houses**

#### **CS/HB 161--Education Paraprofessionals**

**by the Committee on Education K-12 and Representative Dennis (SB 1874 by Senator Turner)**

Enhances career development opportunities for teacher aides in the following ways:

- Amends sections of statute to replace the term "teacher aide" with "education paraprofessional."
- Creates s. 231.143, F.S., authorizing school districts to adopt a voluntary career development program for education paraprofessionals which includes five career development levels with differing qualifications.

In addition, the bill specifies duties which education paraprofessionals may not perform.

The effective date of this bill is July 1, 1998.

#### **HB 367--Florida Maximum Class Size Study Act**

**by Representative Rayson and Others (CS/SB 1374 by Senator Campbell)**

Creates the Florida Maximum Class Size Study Act. Requires each school district using class size reduction appropriated funds for the 1998-1999 school year to reduce the teacher-to-student ratio to 1:20 in at least one elementary school in kindergarten through grade three. If the district has a critically low-performing elementary school, the low-performing school must be selected for the funds and the teacher-to-student ratio to be achieved for that school is 1:15.

- Provides that if the district has more than one critically low-performing elementary school, selection of the school will be by lot.
- Requires Department of Education to conduct a study of the efficacy of these class size reductions at the end of the 1998-1999 school year.
- Provides a legislative and school district goal to reduce kindergarten through grade three class sizes to 20 students, except that in critically low-performing schools, the goal is a class size of 15 students for grades kindergarten through grade three.
- Provides first priority for critically low-performing schools; second priority for grades kindergarten and grade one; and third priority for grades two and three.
- Encourages school districts to install character development programs in elementary schools.

The effective date of this bill is July 1, 1998.

#### **HB 755--State University System/Board of Regents**

**by Representatives Constantine, Turnbull and Others (CS/CS/SB 1358 by Senate Ways & Means, Senate Education, Senators Grant, Kirkpatrick and Others)**

- Provides additional administrative flexibility to State University System (SUS) institutions in the following areas:
  1. Deletes the SUS reporting requirements for Other Personnel Services (OPS) employees.
  2. Requires SUS accountability reports to reflect the performance measures defined through Performance Based Program Budgeting.
  3. Authorizes the SUS to administer its own purchasing programs and increases from \$500,000 to \$1,000,000 the threshold requiring Board of Regents (BOR) approval to purchase goods and equipment.
  4. Allows university presidents to adjust property records.
  5. Permits the SUS to expedite the acquisition of land.
- Modifies provisions relating to SUS and Community College System equity accountability programs. Defines “appropriate representation” of women and minorities as equal to comparable national standards; requires each university and community college to plan annually to achieve appropriate representation; modifies the annual equity report; and, requires a corrective plan in any year in which prior year goals were not achieved.
- Establishes a regional autism center at the University of Central Florida bringing the number of centers in the state to six. The other centers are located at Florida State University, the University of Florida, the University of Florida Health Science Center at Jacksonville, the University of South Florida, and the University of Miami. The new center will serve Broward, Lake, Orange, Osceola, Seminole, Sumter, and Volusia counties.
- Modifies provisions relating to funding for joint use facilities.
- Classifies certain members of the Canadian military as residents for tuition purposes.
- Provides that the 5% restriction on overhead or other indirect costs does not apply to contracts or subcontracts between state universities, between community colleges, or between state universities and community colleges.
- Permits the BOR Foundation to participate in the Trust Fund for Major Gifts Program.
- Repeals obsolete or redundant rule-making requirements.
- Requires legislative review for the deposit of certain funds outside the State Treasury.
- Authorizes the State Board of Administration to invest funds appropriated for the purpose of providing Ethics in Business Scholarships for community colleges and private universities.
- Creates the Leadership Board for Applied Research and Public Service (staffed by FSU) and provides a \$450,000 recurring appropriation.



- Provides \$250,000 funding for the State Agency Dispute Resolution Demonstration Project at FSU.

The effective date of this bill is July 1, 1998.

**CS/HB 921--Schools/Education Programs/Funds  
by the Committee on Education K-12, Representative Boyd and Others** (SB 174 by Senator Kirkpatrick)

Provides that each district must allocate at least 80 percent of the funds appropriated for advanced placement instruction to the high school that generates the funds.

The effective date of this bill is July 1, 1998.

**CS/CS/HB 1793--Nonprofit Private Schools  
by the Committee on General Government Appropriations, the Committee on Education Innovation, Representative Wise and Others** (SB 1896 by Senator Scott and Others)

Amends the *Florida Industrial Development Financing Act* and the *Private School Corporation Law of 1959* to allow the issuance of bonds to help finance the cost of purchase or construction of property used for, or useful in, the operation of any nonprofit private school established pursuant to Florida Statute or the United States Internal Revenue Code.

- Allows nonprofit private preschool, kindergarten, primary, and secondary schools to access the federal tax-exempt bond market through Florida Industrial Development Financing Act.
- Precludes the state, a local agency/authority, or any political subdivision of the state from pledging its faith and credit to support debt issued through Florida Industrial Development Financing Act.

The effective date of this bill is upon becoming a law.

**CS/HB 1797--High School Graduation Requirements  
by the Committee on Education K-12 and Representative Warner** (The following provisions of this bill passed as CS/SB 706 by Senate Education Committee and Senator Sullivan)

Revises high school graduation requirements in the following ways:

- Provides that upon meeting either the state-required 24 academic credits or an International Baccalaureate curriculum a student may request a diploma, and shall be awarded the diploma upon such request. Once a student has met the credit or curriculum requirements, the student is not precluded from remaining in school to earn additional credits.
- Requires a student to provide notice to the school board prior to the start of the semester in which the graduation requirements would be completed.
- Requires that a student who earns 24 credits and graduates early must be at least 16 years old.

- States that subject to the completion of the 24 required credits or an International Baccalaureate curriculum, district school boards are authorized to establish requirements for high school graduation in excess of the minimum requirements by increasing the required academic courses and decreasing the number of elective credits proportionately.
- Permits district school boards to establish academic credit requirements in excess of 24 credits for academy, magnet, or other special courses of study programs which students may voluntarily enter and agree to the excess requirements.
- Requires public schools to assist academically qualified and motivated students to graduate early from high school and provides partial funding to districts, by formula, for students who graduate early.
- Permits participation in interscholastic sports at the junior varsity or varsity level for two full seasons to satisfy the one-half credit in physical education, provided the student passes a competency test on personal fitness with a score of a “C” or better. The school board may not require that the one-half credit in physical education be taken during the 9th grade year.

The effective date of this bill is July 1, 1998.

**HB 1901 (PCB EI 97-01)--Jobs for Florida’s Graduates  
by the Committee on Education Innovation, Representative Melvin and Others (CS/SB 1736 by Senate Education and Senator Horne)**

Creates a school-to-work program to be known as “Jobs for Florida’s Graduates Act” to encourage public and private support to enhance students’ transition from school to work.

- Provides for operation of Jobs for Florida’s Graduates in accordance with the process and outcome standards of Jobs for America’s Graduates, Inc. (JAG).
- Creates a foundation as a direct support organization of the Department of Education.
- Provides performance criteria to be met within specific time frames.
- Requires annual auditing and reporting and a longitudinal study.
- Establishes an apprenticeship program at Okaloosa-Walton Community College.
- Provides that staff positions will not be state employee positions.

The effective date of this bill is July 1, 1998.

**HB 1945 (PCB EI 97-02)--Public Records/Graduates Program  
by the Committee on Education Innovation, Representative Melvin and Others (SB 1738 by Senator Horne)**

Provides an exemption from the public records requirements.

- Prohibits release of information which identifies a person who responds to a marketing

project conducted by the Florida Endowment Foundation for Florida's Graduates, a not-for-profit organization.

- Protects donors from solicitations from other organizations or individuals.

The effective date of this bill is contingent upon the passage and enactment date of HB 1901.

### **CS/HB 3063--Educational Facilities/Contractors**

**by the Committee on Governmental Operations and Representative Lacasa** (The following provisions of this bill passed as CS/SB 482 by Senate Regulated Industries and Senator Rossin)

Requires the prequalification for bidders for construction of educational facilities if the bidder process is used.

- Requires bids on all construction and capital improvement to include evidence that either the bidder holds an appropriate certificate or license, or the prime contractor has a current valid license prior to the bid award.
- Repeals provisions that precluded district school boards and community college boards from prequalifying state certified electrical contractors, alarm system contractors, and fire protection system contractors.
- Continues current law as to when and under what circumstances the bidding process is used; but requires that, if the bidding process is used, bidders be prequalified.
- Aids in elimination of unqualified or irresponsible bidders in order to help reduce construction costs and improve the quality of educational facilities.

The effective date of this bill is July 1, 1998.

### **HB 3205--National Guard Tuition Assistance Program**

**by Representative Wiles and Others** (SB 534 by Senator Kirkpatrick)

Permits eligibility for members of the Florida National Guard enlisted after June 30, 1997, to receive an exemption of at least one-half of tuition and fees. This provides an educational safety net in the event that an appropriation providing for a full cost exemption is not made.

The effective date of this bill is upon becoming a law.

### **CS/CS/HB 3351--Corporate Income Tax**

**by the Committees on Finance & Tax, Colleges & Universities, Representative Fasano and Others** (CS/CS/SB 742 by Senate Education, Senate Commerce & Economic Opportunities, Senator Clary and Others)

Provides a tax exemption, under certain conditions, for corporations entering into a sponsored research contract with certain postsecondary institutions after July 1, 1998.

- Requires the sponsored research contracts to be conducted in conjunction with and through either a state university or a nonpublic university that is chartered in Florida and authorized to offer professional programs or graduate programs at the doctoral level.
- Revises provisions which provide for apportionment of adjusted federal income for corporate income tax purposes.
- Amends property factor fraction to exclude property certified to the Department of Revenue by the Board of Regents (BOR) or by the president of a nonpublic institution as dedicated solely to research and development activities performed pursuant to sponsored research through a state university or private postsecondary institution.
- Amends the payroll factor fraction to exclude compensation paid to employees certified as dedicated exclusively to sponsored research activities.
- Provides that such activities will not cause a corporation to be subject to a corporate income tax, if the corporation would otherwise not be subject to the tax levied under chapter 222, Florida Statutes.
- Requires that property and payroll exemptions be granted only for the duration of the sponsored research contract.
- Requires that the reduction in tax not exceed the amount paid to the state university or nonpublic institution for the conduct of the sponsored research.
- Prohibits sponsored research contracts that were in existence prior to July 1, 1998, from participating in the tax exemption.
- Requires the BOR to certify contracts for state universities and the university president to certify contracts for a nonpublic university.

The effective date of this bill is July 1, 1998.

### **CS/HB 3389--Nonpublic Postsecondary Institutions**

**by the Committee on Colleges and Universities, Representative Trovillion & Others (CS/SB 924 by Senate Education and Senator Sullivan)** The substance of SB 2156 was amended onto this bill--Excellent Teaching Program.

Creates the Excellent Teaching Program as a categorical program within the FEFP to provide incentives for teachers to seek national certification and to reward teachers who demonstrate teaching excellence by attaining national certification and sharing their expertise with other teachers. The incentives and rewards include:

- A fee subsidy to support qualified teachers who seek certification from the National Board of Professional Teaching Standards (NBPTS). The fee subsidy is an amount equal to 90 percent of the NBPTS fee, but no more than \$1,800.
- A one-time portfolio preparation incentive of \$150 for each teacher participating in the program.
- An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for

classroom teachers to teachers employed by the district who hold NBPTS certification.

- An annual bonus equal to 10 percent of the prior year's statewide average salary for classroom teachers to teachers who hold NBPTS certification and provide the equivalent of 12 days of mentoring and related services to public teachers who do not hold NBPTS certification. Credit may not be granted for mentoring or providing related services during the regular school day or during the 196 days of required service for the school year.
- A professional development incentive award for the district equal to 50 percent of the amount the district receives for the annual monetary awards for the NBPTS-certified teachers and for NBPTS-certified teachers who mentor other teachers. These funds must be used for the professional development of teachers. The district must give priority to using all of these funds for professional development of teachers employed at critically low performing schools.
- Provides that out-of-state applicants who are NBPTS-certified, hold valid certification in another state, and pass Florida's background and fingerprint check requirements qualify for a professional certificate.
- Provides that a teacher who holds NBPTS certification is deemed to meet state renewal requirements for the life of the teacher's national certificate.
- Provides that student credit hours generated by state employee fee waivers are fundable credit hours.
- Revises membership of the State Board of Independent Colleges and Universities to provide representation from the various categories of institutions under the jurisdiction of the Board.
- Modifies the requirement that degrees issued by certain nonpublic colleges include a religious modifier to include a requirement that the religious modifier be placed on the title line of the degree.
- Establishes statutory criteria that an education association must meet to be eligible to conduct licensure compliance reviews of selected colleges or to oversee the review and collection of data from these colleges.
- Revises provisions relating to review of accreditation standards and to delete obsolete terminology.

The effective date of this bill is July 1, 1998.

**HB 3407--Schools/Instructional Materials**

**by Representative Barreiro and Others** (CS/SB 1142 by Senate Education Committee and Senator Gutman) (See also HB 4259)

Amends the required instruction statute, s. 233.061, Florida Statutes, to add the study of:

- Hispanic contributions to the United States.
- Women's contributions to the United States.

The effective date of this bill is July 1, 1998.

**CS/HB 3409--Community College Direct Support Organizations**  
**by the Committee on Community Colleges and Career Prep and Representative Goode**  
(The substance of this bill passed as SB 564 by Senator Kurth)

- Requires community college boards of trustees to appoint members to community college direct support organization (DSO) boards of directors and executive committees, and provides for the appointment of the community college president to boards and committees.
- Requires DSOs to submit Internal Revenue Service forms relating to their tax-exempt status to the community college board of trustees. Allows DSOs, at the request of the community college board of trustees, to provide residency opportunities on or near campus. Requires DSOs to have sole responsibility for their acts, debts, liabilities, and obligations.
- Provides that the chairperson of the State Board of Community Colleges shall appoint a representative to, and also serve on, the board of directors and executive committee of any statewide community college DSO. Provides for the State Board of Community Colleges to approve agreements between a statewide DSO and another DSO or a center of technology; restricts a statewide DSO from using public funds to acquire, construct, maintain, or operate any facility; and requires that statewide DSOs submit Internal Revenue Service forms relating to their tax-exempt status to the State Board of Community Colleges.

The effective date of this bill is July 1, 1998.

**HB 3599 (PCB EI 98-04)--Educational Facilities (Rental or Leasing Space)**  
**by the Committee on Education Innovation, Representative Melvin and Others (CS/SB 1664 by Senate Governmental Reform & Oversight, Senator Burt and Others)**

Relaxes the statutory criteria to provide more opportunity for a district school board to rent or lease an existing building, which was originally used for some purpose other than education, and convert and use it as an educational facility. The rental or lease can be funded through the school district operations budget or the school district tax for capital outlay.

- Exempts such agreements from the excise tax on documents for leases and rentals.
- Allows a building which was constructed to meet state minimum building and life safety codes to be considered as meeting the requirements for use and occupancy as an educational facility provided that the school board holds a public meeting and adopts a resolution certifying that certain circumstances apply.
- Requires that specific circumstances apply relating to growth, need, safety, cost, building codes, licensed contractors, and inspections.

The effective date of this bill is July 1, 1998.

**HB 3799 (PCB CCCP 98-02)--Community Colleges Facilities/Capital Improvement Fees**  
**by the Committee on Community Colleges & Career Prep, Representatives Sindler, Fasano**

**and Others** (CS/SB 962 by Senate Education and Senator Grant)

Expands the purposes for which community colleges can bond capital improvement fees to include renovation, remodeling, and equipment. Clarifies that financing for an asset cannot exceed its useful life, and that capital improvement fee revenues may be used for technology enhancements.

The effective date of this bill is July 1, 1998.

**HB 3901--Education/School Advisory Committees**

**by Representative Wasserman Schultz** (CS/SB 1158 by Senate Education and Senator Dyer)

Revises school advisory council (SAC) provisions as follows:

- Prohibits the release of lottery funds to school districts which do not comply with school advisory council membership composition requirements.
- Requires The Florida Commission on Education Reform and Accountability to serve as a review board to determine if schools have maximized efforts to include minority persons and persons of lower socioeconomic status on their SACs.
- Requires SACs to assist in the preparation of the school's annual budget and plan.
- Requires school improvement plans, as of 1999-2000, to address issues related to budget, training, instructional materials, technology, staffing, student support services, and school advisory council member training.
- Requires school boards to adopt policies which encourage and enhance school site decision making.

The effective date of this bill is July 1, 1998.

**CS/HB 3939--Education**

**by the Committee on Education Appropriations, Representative Murman and Others** (The following provisions of this bill passed as HB 4837 by the Committee on Education Appropriations and Representative Sublette; and CS/SB 2000 by Senate Education and Senator Lee)

HB 4837 amends provisions regarding school improvement and accountability, teacher certification, professional development, and recognition of educators in the following ways:

- Removes the requirement that school advisory councils of vocational-technical and adult education centers include parents as members.
- Removes an obsolete date regarding release of lottery funds to school boards.
- Amends Goal 6 of the state system of school improvement and education accountability to require *postsecondary institutions*, in addition to schools and districts, to ensure professional teachers and staff.
- Establishes clear authority for the State Board to designate certification subject areas and

establish competencies and certification requirements for all school-based personnel.

- Clarifies provisions regarding the accreditation of institutions of higher learning for purposes of proof of receipt of a bachelor's or higher degree. The state board is given the authority to define, by rule, accredited institutions for purposes of certification and establish rules regarding the validation of degrees from foreign institutions or other institutions of higher learning.
- Removes the authority of school districts to employ noncertificated teachers in areas determined by the school board to be areas of critical teacher shortage.
- More narrowly defines existing rulemaking authority to specify that the Education Practices Commission has the authority "to establish procedures for operations and administration, disciplinary proceedings, indexing, implementation of orders, and retention of records, and to establish disciplinary guidelines."
- Authorizes the clerk of the Education Practices Commission to issue an "order to show cause" when an educator violates conditions of his or her probation or settlement agreement enforced by a final order of the commission.
- Requires the professional development system in each district to provide training activities *and* follow-up support. The assessment of the effectiveness of the professional development system must assess the progress or lack of progress of *all* students, rather than certain groups of students.
- Repeals s. 231.613, Florida Statutes, relating to inservice training institutes which have not been funded since 1994.
- Clarifies that the Department of Education will develop and annually distribute the application and selection criteria for the Teacher of the Year program.
- Creates the Florida Educator Hall of Fame and provides for the design, nominations, recommendations, and selection of members.

**HB 4837 contains the following additional provisions:**

- Revises the procedure to be used to calculate funding for students enrolled in group 2 of the Florida Education Finance Program. (Exceptional Student Education (ESE) provision)
- Creates two new divisions within the Department of Education to conform with the department's current operating structure.
- Authorizes the Commissioner of Education to establish criteria that would exempt students who have successfully demonstrated proficiency in reading or math from the corresponding section of the High School Competency Test (HSCT) or the College Placement Test (CPT).
- Authorizes "deregulated public school" pilot programs in 6 districts (Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus) that would permit a maximum of 6 deregulated schools (2 elementary, 2 middle, and 2 high schools) in each of the 6 districts during the 1998-1999 school year.



Additional provisions included in HB 3939 were passed in CS/SB 2000. This rule-authorization portion of the bill contains the following provisions:

- Provides the Commissioner of Education the authority to make decisions relative to certification under extenuating circumstances not provided for in statute or rule.
- Authorizes the State Board to adopt rules for the “banking” of inservice hours or college credits completed to fulfill ESOL training requirements for application toward the renewal of a professional certificate.
- Authorizes the State Board to adopt rules establishing guidelines for the submission, review, and approval of district procedures for the annual assessment of instructional personnel and that include criteria for evaluating professional performance.
- Authorizes the State Board to adopt rules for dual-enrollment programs involving requirements for high school graduation.
- Authorizes the State Board to establish rules that standardize the competency level required for students to move from high school foreign language courses to college foreign language courses.

The effective date of this bill is upon becoming a law.

### **HB 3951--School Attendance/Home Education**

**by Representative Trovillion** (CS/SB 2110 by Senate Education, Senator Lee and Others)

Provides clarification of requirements, responsibilities, and restrictions relating to home education programs as follows:

- Removes the provision that required home education programs be conducted at the home of the parent or guardian, in order to permit flexibility for field trips and other educational activities outside the home.
- Clarifies that the state or school district does not have authority to oversee or control curricula of home education programs and that home education programs are not required to provide attendance records and reports to the state or school district.
- Clarifies that home education programs are not considered “nonpublic schools” for purposes of the annual nonpublic school survey requirements.
- Clarifies that the parent or guardian is responsible for selecting the evaluation method to be used for purposes of the annual educational evaluation required of all home schooled students.
- Requires the parent or guardian to file a copy of the annual educational evaluation with the superintendent’s office, rather than with both the district school board office and the superintendent’s office.
- Requires a pupil who chooses to take a state student assessment test to take the test *used by the school district and administered by a certified teacher, at a location and under testing conditions approved by the school district.*

- Provides that a home education program is not required to meet the definition of a school day as provided in s. 228.041, Florida Statutes. This permits flexibility with respect to the parent's or guardian's arrangement of instructional time.

Additionally, requires parents or legal guardians to sign their child's declaration of intent to terminate school enrollment and requires the district to notify the parent or legal guardian of receipt of the child's declaration of intent to terminate school enrollment.

The effective date of this bill is upon becoming a law.

### **CS/HB 4101--1998 Personal Fitness Education Act**

**by the Committee on Education Innovation, Representative Byrd and Others** (CS/SB 1840 by Senate Education and Senator Grant) (The following provisions of this bill we passed in HB 4259)

Increases the required credit in physical education for high school graduation from one-half credit to one credit and decreases the required elective credits from nine credits to eight and one-half credits, effective for high school graduates graduating in the year 2000.

- Permits participation in interscholastic sports at the junior varsity or varsity level, but not at the freshman level, for two full seasons to satisfy the required one credit in physical education, provided the student passes a personal fitness competency test developed by the Department of Education (department) with a score of a "C" or better.
- Encourages elementary and middle schools to implement a personal fitness program approved by the department and in compliance with the guidelines from the American Heart Association.
- Authorizes the department to allocate any incentive funds provided in the General Appropriations Act to schools implementing personal fitness programs.
- Authorizes the department to allocate funds from funds provided in the General Appropriations Act to upgrade physical education specialist position in the department to a full-time position.

The effective date of the provision relating to the changes for high school graduation requirements is July 1, 1999. The effective date of the provisions to encourage personal fitness programs and to funding is July 1 of the year in which it is enacted.

### **HB 4111--Public Schools/Trust Fund Grants**

**by Representatives Dockery and Safley** (The following provisions of this bill passed as SB 2276 by Senator Diaz-Balart)

Changes the following provisions of the Florida School Improvement and Academic Achievement Trust Fund:

- Specifies that the public school district education foundations will be the recipient of funds from the Florida School Improvement and Academic Achievement Trust Fund for challenge grants and matching endowment grants.
- Models the formula for matching private contributions with state dollars after the Florida

Academic Improvement Trust Fund for community colleges.

- Provides that challenge grants will be proportionately allocated from the Florida School Improvement and Academic Achievement Trust Fund on the basis of matching each \$4 of state funds with \$6 of private funds, with a minimum of \$4,500 raised from private sources to be eligible for matching state funds.
- Allows discretionary use of the funds by the foundation for improving schools and academic achievement, except that the funds may not be used for facility construction or support of interscholastic athletics.

The effective date of this bill is July 1, 1998.

**CS/HB 4131--Postsecondary Education/Workforce Development Education by the Committee on Education Appropriations, the Committee on Community Colleges & Career Prep, Representatives Sindler and Others** (The following provisions of this bill passed as CS/CS/SB's 1124, 2048 & 1120 by Senate Ways & Means, Senate Education, Senators Grant, Horne, Diaz-Balart and Others )

Restructures the service delivery, funding, and transfer of adult and postsecondary vocational education credits for public and private postsecondary education institutions. Specifically, the bill implements the majority of the recommendations of the Task Force on Workforce Development, which was created in CS/CS/SB 1688 as passed by the 1997 Florida Legislature. The bill:

- Includes guidelines for the implementation of a reporting system for workforce development education including individually identifiable student information.
- Delays implementation of funding changes for one year and extends to 2001 the implementation deadline for fee increases passed in CS/CS/SB 1688.
- Specifies that the Applied Technology Diploma (ATD) is vocational credit if offered by a school district and college credit if offered by a community college. An ATD becomes college credit upon articulation to a community college.
- Guarantees the statewide articulation of an ATD between school districts and community colleges. The ATD is guaranteed articulation into an Associate in Applied Science or Associate in Science (AS) degree; and appropriate AS degree course work is required to articulate into bachelor degree programs.
- Changes the CS/CS/SB 1688 funding model to provide up to 85 percent based on prior year allocation and at least 15 percent awarded for performance based on prior year program completion and job placement. Of the 15 percent for performance, payments for completions are limited to 60 percent and the remaining 40 percent is reserved for placements. Allows for adjustments in performance payments for placements in areas of high unemployment.
- Establishes a uniform statewide fee rather than fees which vary based on program cost.
- Maintains current law as amended by CS/CS/SB 1688 with Associate in Science degree funds in the Workforce Development Education Fund.
- Requires (in s. 239.301, Florida Statutes) "additional incentives" for achievement of performance outputs and outcomes for adults with disabilities enrolled in workforce

development programs and a separate appropriation in the General Appropriations Act (GAA) for students whose Individual Education Plan does not include competitive employment.

- Requires community colleges to be reimbursed for costs incurred because of a high school student's coenrollment in adult education, "as provided in the GAA".
- Creates the Workforce Development Capitalization Incentive Grant Program for the competitive award of funds for new and expanding workforce development education programs. Uses the Postsecondary Education Planning Commission, in consultation with the Department of Education, the Division of Community Colleges, and the Jobs and Education Partnership, to rank applications for grant awards.
- Maintains current law with provisions for funding program completions based on occupational completion points.
- Allows nonpublic, nonprofit postsecondary institutions to participate in the common course numbering system without payment of fees.
- Requires the State Board of Education to adopt an implementation schedule that establishes standard fees for instruction.
- Does not prohibit school boards or community colleges from offering any programs that are currently being provided, including English as a Second Language (ESOL), adult education, education for the elderly, and postsecondary vocational certificate education.

The effective date of this bill is July 1, 1998, except as otherwise provided in the bill.

**CS/HB 4135--Charter Technical Career Centers**  
**by the Committee on Community Colleges and Career Prep, Representative Lynn and Others** (CS/SB 2074 by Senate Education and Senator Burt)

Creates the authority for a school district, community college, or a consortium of each, to sponsor a charter technical career center (CTCC), largely consistent with the authority to operate a charter school granted in s. 228.056, F.S.

- Provides authority for CTCC to:
  1. Allow the sponsor to review and approve or deny an application.
  2. Open student eligibility requirements to all students on a space-available basis.
  3. Require the legal entity to be a nonprofit organization.
  4. Be either a public or a private employer.
  5. Establish requirements for facilities and funding.
  6. Allow exemption from certain statutes.
  7. Establish accountability requirements through annual reporting.

- Directs the Commissioner of Education to provide an annual comparative evaluation of charter technical career centers and public technical centers.
- Permits CTCC employees to participate in the Florida retirement system or community college retirement system.
- Provides authorization for a school district to receive a declining enrollment allocation for student transfers related to the creation of a CTCC.
- Provides \$3 million to Daytona Beach Community College for planning and design costs for a CTCC which will serve Volusia and Flagler County students in grades eleven through fourteen on a model basis.

The effective date of this bill is upon becoming a law.

**HB 4159 (PCB CU 98-02)--Designations of Buildings & Programs  
by the Committee on Colleges & Universities, Representative Casey and Others** (The following provisions of this bill passed as CS/SB 752 by Senate Education and Senator Klein)

Designates the following:

- The tennis court complex at the University of West Florida as “The Harold ‘Skeeter’ Carson Tennis Complex.”
- The Lifelong Learning Center at Florida Atlantic University as the “Barry and Florence Friedberg Lifelong Learning Center.”
- The swim/dive office and training facility at the University of Florida as the “Wayne and Jimmie Carse Swimming and Diving Complex.”
- Flint Hall at the University of Florida as the “Keene-Flint Hall.”
- The residence hall known as 2nd Court, Pei Residence Halls, located on the Sarasota/Manatee Campus of the New College of the University of South Florida as the “Peggy Bates Residence Hall.”
- The library tower located on the campus of Florida International University as the “Steven and Dorothea Green Library.”
- The recording facility donated to Florida State University by Echelon International Development Corporation, as “Critchfield Hall.”
- The Florida Resident Access Grant Program as the “William L. Boyd, IV, Florida Resident Access Grant Program.”
- The Children’s Medical Services Clinic of St. Lucie County as the “Dr. William R. Dannahower Building.”
- The Regional Office of the Fresh Water Fish Commission in West Palm Beach as the “Woodrow ‘Woody’ Darden Building.”

The effective date of this bill is upon becoming a law.

**HB 4163--Postsecondary Education**

**by the Committee on Colleges & Universities, Representative Casey and Others.** (The following provisions of this bill passed as part of HB 4259 by the Committee on Community Colleges & Career Prep, Representative Sindler and Others)

- Revises the due date for the annual evaluation of the College Reach Out Program (CROP) by the Postsecondary Education Planning Commission (PEPC).
- Repeals provisions relating to three programs which no longer receive funding from the Legislature: undergraduate enhancement grants, required course programs and the Quality Assurance Fund.

The effective date of this bill is July 1, 1998.

**HB 4195--Postsecondary Education**

**by Representative Casey** (The following provisions of this bill passed as part of HB 4259 by the Committee on Community Colleges & Career Prep, Representative Sindler and Others)

- Reduces the length of term of office for members of the BOR from 6 years to 4 years.
- Repeals the restriction that prohibits the BOR from granting a tenured faculty appointment to any university president the BOR had removed from office.
- Requires that each state university and community college student government association establish a process for the removal of any student government official elected on or after January 1, 1998, who has been convicted of a violation of criminal law or has been found civilly liable of an act of moral turpitude. The process must include a procedure for registered students to petition for a referendum to remove the official from office. The official may be removed from office by a majority vote of the students participating in the referendum.

The effective date of this bill is July 1, 1998.

**HB 4259 (PCB CCCP 98-05)--Postsecondary Education**

**by the Committee on Community Colleges & Career Prep, Representative Sindler and Others** (CS/SB 2100 by Senate Education and Senator Forman)

Revises several provisions related to community colleges and nonpublic career educational institutions to remove administrative barriers, authorize certain fee exemptions, provide greater flexibility and local control, and clarify accountability processes and requirements. Contains the substance of a number of other bills, as indicated.

The bill:

- Clarifies the requirements and benefits of the college-ready diploma.
- Authorizes a fee exemption for students negatively-financially affected by the State buy-out

of property around Lake Apopka.

- Exempts electronically-originated instruction (i.e. Internet courses) from annual administrative reviews when the intent is to offer the instruction in the community college's home district.
- Removes a rule requirement related to the Vocational Improvement Program.
- Provides a mechanism for the statewide acceptance of appropriate dual enrollment courses.
- Requires college-level dual enrollment classes to be weighed the same as advanced placement and honors courses when grade point averages are calculated.
- Requires community colleges to notify students of alternative remedial education instructional opportunities.
- Aligns reporting dates for the State Board of Community Colleges to submit the accountability report and the agency strategic plan.
- Permits Academic Improvement Trust Fund scholarships and grants to be awarded based on need rather than merit only.
- Renames the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools to the State Board of Nonpublic Career Education, authorizes the board to issue statements of exemption from licensure, and authorizes the board to bring civil action against institutions which violate the terms of exemption.
- Decentralizes the administration of need-based student financial aid programs associated with the Florida Student Assistance Grant Program for the Department of Education to the institutions participating in the program. *(Refer to HB 4693 for more information.)*
- Expands the list of institutions eligible to participate in the College Reach-Out Program. *(Refer to HB 4163 for more information.)*
- Encourages elementary and middle schools to implement personal fitness programs that comply with American Heart Association guidelines. *(Refer to HB 4101 for more information.)*
- Changes the name of the "Florida Prepaid Postsecondary Education Expense Program" to the "Florida Prepaid College Program". Allows prepaid contracts to cover local fees. Exempts prepaid contracts from the probate claims of creditors. *(Refer to HB 4371 for more information)*
- Clarifies membership, and changes appointment and length-of-term requirements for the BOR. *(Refer to HB 4195 for more information.)*
- Requires state universities and community college student government associations to establish a process for the removal of officers. *(Refer to HB 4195 for more information.)*
- Requires public school curricula to include teachings about the contributions of women and Hispanics. *(Refer to HB 3407 for more information)*

The effective date of this bill is July 1, 1998, except as otherwise provided in the bill.

#### **HB 4371--Florida Prepaid College Program**

**by Representative Rayson** (The following provisions of this bill passed as part of HB 4259 by the Committee on Community Colleges & Career Prep, Representative Sindler and Others)

- Renames the Florida Prepaid Postsecondary Education Expense Program as the Florida Prepaid College Program (Program).
- Reorganizes and deletes obsolete language.
- Authorizes the Program to provide contracts that cover local fees at community colleges and state universities.
- Exempts the Program's contracts from the probate claims of creditors.

The effective date of this bill is July 1, 1998.

#### **HB 4509--Alternative Education Programs**

**by Representative Alexander and Others** (The following provisions of this bill passed as CS/SB 2480 by Senate Criminal Justice and Senator Lee)

Revises provisions relating to the residential facility originally authorized to be constructed by the Alternative Education Institute (AEI) in the following ways:

- Transfers ownership of the facility and related assets to the Department of Management Services (DMS).
- Allows the DMS to access funds previously appropriated to AEI, in order to complete the construction of the facility.
- Authorizes the DMS to receive and review bids and proposals for the use of the facility.
- Creates a working group to develop a plan for the use of the facility, based on the recommendation of the DMS.
- Requires the DMS to make a recommendation to the working group created under this section, taking into account local and state interests and concerns. By November 1, 1998, the working group must make a final determination for the use or disposition of the facility and related assets, and the working group is disbanded upon that date.
- Subjects the final determination for the use or disposition of the facility to the review and objection procedures of s. 216.177, F.S. If, pursuant to this section, the final determination is objected to, the 1999 Legislature must determine the use or disposition of the facility.

The effective date of this bill is upon becoming a law.

#### **HB 4543 (PCB EDK 98-01)--Charter Schools**



**by the Committee on Education K-12, Representative Andrews and Others** (The following provisions of this bill passed as CS/CS/SB 1996 by the Senate Ways and Means, Senate Education, and Senator Grant)

Revises provisions relating to charter schools in the following ways:

- Permits district school boards to initiate a conversion charter school proposal and revises the provision relating to parental approval of a conversion charter school.
- Revises the dispute resolution process, requiring the Department of Education to provide mediation services for any dispute subsequent to the approval of a charter application, except disputes regarding charter school application denials. Those disputes that cannot be resolved through mediation must be referred to DOAH for an administrative hearing, to be paid by the party the administrative law judge rules against.
- Doubles current caps on the number of newly created charter schools and conversion public schools per district.
- States that employees of a conversion charter school remain public employees for all purposes, unless they choose not to do so, and that school districts are restricted from requiring resignations of teachers desiring to teach in a charter school.
- Creates charter schools-in-the-workplace to increase business partnerships in education, reduce school and classroom overcrowding, and offset the high costs for educational facility construction.
- Addresses capital outlay funding for charters; provides eligibility requirements to receive funds; provides authorized uses for the funds; provides for the reversion of unencumbered funds and equipment and property purchased with public funds to the ownership of the school board.
- Appropriates \$13,244,151 of PECO funds to the Columbia County School district or the Ft. White High School upon approval of the project by the Special Facility Construction Committee.
- Reinstates funding to the Commission on Education Reform and Accountability.
- Dissolves the Governor's Commission on Education on October 31, 1998.

The effective date of this bill is upon becoming a law.

#### **HB 4693 -- Student Grants**

**by Representative Wise** (The following provisions of this bill passed as part of HB 4259 by the Committee on Community Colleges & Career Prep, Representative Sindler and Others)

- Transfers administration of the Florida Public Student Assistance Grant Program, the Florida Private Student Assistance Grant Program, and the Florida Postsecondary Student Assistance Grant Program from the Department of Education to the postsecondary institutions participating in the programs.
- Requires development of a formula for distributing grant funds to participating institutions.

- Requires DOE to establish the maximum Estimated Family Contribution that can be used in providing an award under one of the grant programs.
- Requires participating institutions to certify to DOE the amount of funds disbursed to each student and to remit any undisbursed funds to DOE by June 1 of each year.
- Provides for the Education Estimating Conference to address financial aid funding.
- Delays the effective date of the decentralization until July 1, 1999.

The effective date of this bill is July 1, 1998.

### ***Rule Authorizing Bills (RAB)***

#### **HB 4335--District School System/Rule Making**

**by Representatives Bullard, Burroughs and Others** (Passed as CS/SB 1722 by Senate Education and Senator McKay)

Provides school boards with rulemaking authority in the following areas:

- Authorizes school boards to adopt rules necessary to implement the provisions of s. 230.23, Florida Statutes, relating to school board powers and duties.
- Authorizes school boards to adopt rules related to specific topics listed in the bill. The main topics include student management, fiscal management, instructional aids, facilities management, school community relations, legal issues, first aid and emergencies, student assessment and affairs, administrative support services, school board governance and operations, and personnel.

The effective date of this bill is July 1, 1998.

#### **CS/SB 2000--Education/Rule Making Authority (RAB)**

**by Senate Education and Senator Lee**

*(See CS/HB 3939)*

#### **SB 2314--Community College Board of Trustees (RAB)**

**by Senator Grant**

Revises and clarifies the rulemaking authority of community college boards of trustees specified in s. 240.319, Florida Statutes, as required by Administrative Procedures Act (APA) provisions pursuant to s. 120.536, Florida Statutes. Provides the specific authority required by the APA, without granting further authority than what is currently in law.

The effective date of this bill is July 1, 1998.

#### **SB 2316--Independent Colleges & Universities (RAB)**

**by Senator Grant**

Authorizes the State Board of Colleges & Universities to adopt rules on the following topics:

- The conditions under which students of foreign medical schools may serve clinical clerkships in Florida.
- The review of a college's certificate of exemption from licensure.
- The conditions affecting the licensure of agents for a college.
- Change in ownership or the closing of a college.
- The fair consumer practices required of a college.
- The conditions under which the board may grant an out-of-state college permission to have a minimal presence in Florida.

The effective date of this bill is July 1, 1998.

# ECONOMIC IMPACT COUNCIL

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## **ECONOMIC IMPACT COUNCIL**

### **COMMITTEE ON BUSINESS DEVELOPMENT & INTERNATIONAL TRADE**

**CS/HB 117 -- Sales Tax Exemption/Gasparilla Distance Classic**  
**by the Committee on Business Development & International Trade and Representative Culp** (SB 732 by Senator Grant)

Exempts the Gasparilla Distance Classic Association, Inc., from the state tax on sales and leases if the organization holds a current exemption from federal corporate income tax liability pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986.

The effective date of this bill is July 1, of the year in which it is enacted.

**CS/CS/HB 315 -- Sales Tax/Food & Drinks**  
**by the Committees on Finance & Taxation and Business Development & International Trade and Representative Fuller** (CS/SB 1504 by the Committee on Ways & Means and Senator Ostalkiewicz)

Revises language relating to the sales tax exemption for food products sold for human consumption, and clarifies current law on the taxability of food products.

- The effect of these revisions is to delineate that some items currently determined as taxable by the Department of Revenue will now be exempt and some items currently determined as tax exempt by the department will now be taxable.
- The bill adds representatives of both manufacturers and retailers to the technical assistance advisory committee and creates two new sales tax exemptions for “complimentary food items” and “donated foods or beverages.”
- The bill requires the Department of Revenue to develop guidelines to help dealers determine whether specific products are taxable. The department is also authorized to develop a central database containing this information.

The effective date of this bill is July 1, of the year in which it is enacted.

**CS/HB 319 -- Minority Business Enterprises**  
**by the Committee on Business Development & International Trade and Representative Andrews** (SB 940 by Senator Harris)

Changes the eligibility for certification as a minority business enterprise to exclude businesses where ownership was transferred to a minority from a nonminority within a related family group when the combined total net assets of the family group exceed \$1 million.

- Defines “related family group” to mean one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.
- The bill extends this change in the certification process to all of the state’s political subdivisions.

The effective date of this bill is October 1, of the year in which it is enacted.

**CS/HB 747 -- Sales Tax Exemption/Chamber of Commerce**  
**by the Committee on Finance and Tax and Representative K. Pruitt** (SB 2302 by Senator Laurent)

Provides an exemption from chapter 212, F.S., to not-for-profit chambers of commerce for all tax on sales or use of tangible personal property, admissions, rentals, and services not actually paid or collected before December 31, 1994.

- Chambers of commerce will be able to claim amnesty from those unpaid taxes due prior to December 31, 1994, as well as apply for a refund of those taxes paid if application is made on or before July 1, 1998.
- Purchases and sales by chambers of commerce occurring after December 31, 1994, are subject to the taxes imposed by chapter 212, F.S.

The effective date of this bill is upon becoming law.

**CS/HB 1273 -- Sales Tax Exemption/Machinery**  
**by the Committee on Finance & Taxation and Representative Barreiro** (SB 500 by Senator Burt)

Establishes a sales tax exemption on the purchase of film and other printing supplies for commercial use and resale.

The effective date of this bill is July 1, of the year in which it is enacted.

**HB 1287 -- Veterans’ Preference**  
**by Representative Stabins** (passed as SB 142 by Senator Brown-Waite)

Revises a number of “veterans’ preference” provisions contained in chapter 295, F.S..

- In addition to several clarifications of the law, the bill requires state residency in order to declare veterans’ preference, provides equity for military retirees, allows veterans from



other states to benefit from Florida's Veteran's Preference law after they have established residency in Florida, and authorizes Public Employees Relations Commission (PERC) discretion to award reasonable attorney's fees, up to a maximum of \$10,000, where the public employer is found to have violated the veteran's preference statute.

The effective date of this bill is upon becoming law.

**CS/CS/HBs 3249 & 3305 -- Sales Tax Exemption/Electricity & Steam**  
**by the Committees on Finance & Taxation and Business Development & International Trade, and Representative Burroughs** (CS/SB 338 by the Committee on Ways & Means and Senator Latvala)

Combines provisions of HB 3249 and HB 3305, revising the state sales tax exemption for electricity used in certain manufacturing and related operations and exempting the sale of steam energy used in manufacturing. It specifies a threshold for use of electricity to qualify for the exemption and deletes a requirement relating to separate metering of such electricity.

The effective date of this bill is July 1, of the year in which it is enacted.

**CS/HB 3393 -- Air Carriers**  
**by the Committee on Business Development & International Trade and Representative Turnbull** (CS/CS/SB 1846 by the Committees on Government Reform & Oversight and Commerce & Economic Opportunities, and Senator Williams)

Directs the Department of Management Services to evaluate the state contract for air carrier service for state employees to determine how to improve the quality, availability, and cost of air service to state employees and other citizens.

- The department is to then undertake a 3-year pilot program based on its analysis and then evaluate the pilot program.
- The Office of Program Policy Analysis and Government Accountability (OPPAGA) is directed to review the effects and fiscal impact of the program and provide the Legislature with a preliminary report prior to the 1999 Session. The report is to contain information on and analyses of additional costs incurred and savings realized by state agencies, including per diem, subsistence, productivity and time to the travelers, and cost of airfare.
- Enterprise Florida, Inc., is directed as well, to undertake and complete a review on the impact of regional airports on economic development in the State of Florida.

The effective date of this bill is July 1, of the year in which it is enacted.

**HB 3497 -- Municipalities/Business Enterprises**  
**by Representative Ball** (passed as SB 712 by Senator Bronson)

Authorizes municipal governing bodies to expend public funds to attract and retain business enterprises. The bill specifies that such use of public funds constitutes a public purpose and defines economic development activities as including but not limited to the following:

- Developing or improving local infrastructure; issuing bonds to finance or refinance the cost

of capital projects for industrial or manufacturing plants; leasing or conveying real property and making grants to private enterprises for the expansion of businesses to the community.

The effective date of this bill is upon becoming law.

**HB 3501 -- Small Business Technology Growth Program**  
**by Representative Livingston** (passed as SB 1262 by Senator Harris)

Creates the Small Business Technology Growth Program designed to provide financial assistance to businesses in Florida with emerging technology potential, high job growth, and fewer than 100 employees.

- The program is to be administered by the Technology Development Board of Enterprise Florida, Inc.
- The Board is directed to give highest priority for grant awards to “moderate-risk” and “high-risk” ventures offering “the greatest opportunity for compelling economic development impact.”

The effective date of the bill is upon becoming law.

**HB 3587 -- Unemployment Compensation**  
**by Representative Livingston** (passed as SB 1724 by Senator Holzendorf)

Revises the definition of employment to exclude from unemployment compensation coverage certain election workers and inmates of penal institutions and revises the definition of wages to exclude employer-provided educational assistance payments. This bill further conforms benefit eligibility conditions to federal law and specifies limited use of Reed Act distributions in certain years.

The effective date of this bill is October 1, of the year in which it is enacted.

**CS/HB 3681 -- Capital Investment Tax Credits Program**  
**by the Committee on Finance & Taxation and Representative Ball** (CS/CS/SB 1314 by the Committees on Ways & Means and Commerce & Economic Opportunities, and Senator Bronson)

Creates the Capital Investments Tax Credit Program, allowing a tax credit against the tax liability of a “qualifying business” employing at least 100 full-time employees. OTTED is directed to develop necessary guidelines for certifying “qualifying businesses” and “qualifying” projects.

- Allows tax credits up to 100% applied over a 20 year period in amounts equal to five percent of the total “eligible capital costs.” The credit is applied to the corporate income tax liability generated by the qualifying project.
- Qualifying projects that result in less than \$25 million in cumulative capital investment are not eligible for the tax credit.
- Definitions, qualifying criteria, and other limitations are provided.

The effective date of the bill is July 1, of the year in which enacted.

**HB 4401 -- Sales Tax/Silicon Technology**  
**by Representative Feeney** (passed as CS/SB 1564 by the Committee on Ways & Means and

Senator McKay)

This bill would allow the current state sales tax exemption for machinery and equipment used in silicon technology production and research to be taken as a direct exemption rather than as a refund and it would remove the requirement that the exemption is subject to annual appropriation.

The effective date of this bill is July 1, of the year in which it is enacted.

**HB 4753 -- WAGES and Job Training Partnership Act**  
**by the Committee on Business Development and International Trade, Representative**  
**Valdes and others** (passed as SB 1114 by Senator McKay)

This bill modifies and creates incentives directed at enhancing employment opportunities for WAGES Program and JTPA participants, including the following:

- Requires local WAGES coalitions to deliver the full continuum of services provided under the WAGES Program by October 1, 1998.
- Creates a process to identify WAGES Program Employment Projects -- to identify and foster the development or creation of projects that can have a great impact on the employment of WAGES participants.
- Modifies the WAGES Program to allow exemptions and other provisions for victims of domestic violence and for participants that are employed in private sector jobs.
- Revises employer subsidy agreements.
- Provides hardship exemption for WAGES participants that are totally responsible for the care of a disabled family member.
- Requires the Florida Department of Transportation to assist local governments in developing plans for WAGES Program transportation.
- Creates the relocation assistance program to provide WAGES participants with cash assistance to defray relocation expenses to a community with greater opportunities for self-sufficiency.

The effective date of this bill is upon becoming law.

## **COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS**

### **CS/HB 885 -- Funeral Directing & Embalming**

**by the Committee on Business Regulation and Consumer Affairs and Rep. Crady (SB 1370 by Senator Holzendorf)**

Makes numerous changes to update the law that include:

- Reducing the time for initial licensure of funeral directors.
- Combining the required communicable disease course with the HIV/AIDS course.
- Establishing visitation chapels.
- Requiring certain identification on human remains.
- Establishing requirements for transporting human remains.
- Setting a new registration fee of up to \$300 for the four centralized embalming facilities in the state.

The effective date of this bill is July 1, 1998.

### **CS/HB 3199 -- Secondhand Dealers**

**by the Committee on Business Regulation and Consumer Affairs and Reps. Dockery and Putnam and others (CS/SB 382 by Senate Banking & Insurance and Senator Williams)**

Exempts from secondhand dealer bookkeeping provisions used sporting equipment that is not permanently identified with serial numbers. Records must still be kept for golf clubs and all used sporting equipment not labeled with a serial number.

The effective date of this bill is upon becoming law (4/29/98, ch. 98-30, Laws of Florida).

### **CS/CS/1ST ENG/HB 3211 -- Real Estate**

**by the Committees on Community Affairs; Real Property and Probate; Business Regulation and Consumer Affairs and Rep. Ogles and others (CS/1ST ENG/SB 340 by Senate Regulated Industries and Senator Clary)**

Makes a variety of changes to the regulation of real estate appraisers, as well as the regulation of real estate brokers, salespersons, and schools. The bill makes changes in the areas of:

- Licensure qualifications;
- Inactive license invalidation;
- Authority to levy a greater fine;
- Exemption from the “snitch law;”
- Broker disclosure requirements in the course of a transaction;

- Instructor qualifications;
- Broker commission procedures; and
- The extent to which bankruptcy may relieve the licensee from having to make restitution to the Real Estate Recovery Fund.

The effective date of this bill is July 1, 1998.

**CS/HB 3295 -- Fire Protection Contractors**  
**by the Committee on Business Regulation and Consumer Affairs and Rep. Trovillion and others** (passed as CS/SB 818 by Senate Banking and Insurance and Senator Horne)

Makes changes to provisions related to the regulation of persons licensed as fire protection contractors under chapter 633, F.S., and also those licensed as construction (plumbing or underground utility and excavation) contractors under part I of chapter 489, F.S., to:

- Provide that fire protection contractors shall be required to renew their license every *two* years, rather than every year.
- Change the renewal fee from \$150 every year to \$225 every two years.
- Provide that rather than having to complete the 24 or 14 hour C.E. requirement each year, the licensees would have to complete that number of hours every *two* years.
- Provide for reciprocity for continuing education requirements between licensees under chapter 633, F.S., and part I of chapter 489, F.S.

The effective date of this bill is upon becoming a law.

**CS/HB 3343 -- Barbering and Cosmetology**  
**by the Committee on Governmental Rules and Regulations and Rep. Chestnut** (CS/SB 880  
by Senate Regulated Industries and Senator Clary)

Updates the barbering and cosmetology chapters by:

- Making various changes the Department of Business and Professional Regulation (DBPR) requested for administrative purposes.
- Allowing citizens of Florida and foreign countries to obtain a restricted barber's license in the same manner as currently authorized for out-of-state applicants; the DBPR estimates collecting \$15,500 annually as a result of this provision.
- Establishing a registration process for hair wrappers and exempts them and hair braiders from having to practice in a licensed cosmetology or specialty salon.
- Authorizing continuing education for cosmetologists and allowing the DBPR to privatize that activity.
- Allowing photography salons to hire a cosmetologist to oversee hair arranging and exempting those salons from having to be licensed as cosmetology salons.
- Authorizing and establishing requirements for the operation of mobile cosmetology salons.
- Providing that the DBPR shall not issue or renew either a license or registration certificate, under either the barber or cosmetology statutes, to a person, barbershop or salon when there is an outstanding fine, interest or cost associated with or resulting from department enforcement action.

The effective date of this bill is July 1, 1998.

**CS/HB 3371 -- Sales Contracts for Motor Vehicle or Truck Repair Parts**  
**by the Committee on Business Regulation and Consumer Affairs and Rep. Hill and others**  
(passed as CS/1ST ENG/SB 280 by Senate Judiciary and Senator Williams)

Restricts the ability of vehicle repair part manufacturers to terminate written contracts with distributors of those repair parts. Specifically, the bill:

- Prohibits manufacturers from terminating or canceling a contract without "good cause" and in "good faith," which is defined.
- Specifies that manufacturers who violation the law are liable for 100 percent of the net cost of the parts still in the distributor's possession; 5 percent of the costs of loading and handling; reasonable freight charges paid by the distributor; and attorney's fees.
- Provides that contracts must be honored by any company that purchases or merges with the manufacturer.

The effective date of this bill is October 1, 1998.

**1ST ENG/HB 3523 -- Landscape Design**  
**by Rep. Fuller and others** (CS/SB 1066 by Senate Regulated Industries and Senator Lee)

Provides that the activity of landscape design does not require licensure as a landscape architect. Specifically, the bill:

- Defines “landscape design” as the preparation of planting plans related to various stipulated elements.
- Establishes an exemption from having to obtain a landscape architecture license for persons practicing landscape design.
- Removes the exemption that presently exists for a nurseryman or nursery stock dealer to engage in the preparation of planting plans or drawings.

The effective date of this bill is October 1, 1998.

**HB 3589 -- Certified Public Accountant Education Minority Assistance Program  
by Rep. Bitner and others (SB 1220 by Senator Crist and others)**

Creates the CPA Education Minority Assistance Program for Florida residents enrolled in their fifth year of an accounting program at an institute of higher education that is approved by the Board of Accountancy. Further, it:

- Creates a five-member advisory council to assist in administering the program; council membership criteria is established.
- Provides for a special fee, of up to \$10 per license deducted from existing fees, to fund the scholarships provided under the program.

The effective date of this bill is July 1, 1998.

**CS/HB 3713 -- Firearms-related Licenses**

**by the Committee on Business Regulation and Consumer Affairs and Rep. Jones** (CS/SB 1810 by Senate Criminal Justice and Senator Harris)

Makes several changes related to professions regulated under chapter 493, F.S. (private security, private investigation, and recovery services), as well as provisions in chapter 790, F.S., relating to licenses to carry concealed weapons. Specifically, the bill:

- Changes the license validity period for several licenses under chapter 493, F.S., from two years to three years.
- Extends the license validity period for a concealed weapons license from three years to five years.
- Requires concealed weapons instructors to maintain records attesting to the proper completion of the course by those persons who have taken the course.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 3785 -- Consumer Protection**

**by the Committee on Business Regulation and Consumer Affairs and Rep. Ogles and others** (CS/SB 1620 by Senate Governmental Reform and Oversight and Senator Williams)

Amends various consumer protection laws implemented by the Department of Agriculture and Consumer Services (DACS) to:

- Change the definition of “parent organization” for purposes of clarifying which entities are subject to regulation as a charitable organization.
- Change the current \$10 exemption fee for charitable organizations to a \$10 registration fee.
- Make specific the current provisions that professional fundraisers hired by exempt charities are also exempt from regulation.
- Require charities raising less than \$25,000 annually to register with the DACS instead of filing a statement of exemption.
- Remove an obsolete reference from the dance studio act.
- Require telemarketing salespersons to disclose to the DACS if they have had adjudication withheld for a felony offense.
- Require business opportunity sellers to display their advertisement identification number on all their printed material.
- Authorize the DACS to impose a \$25 late registration renewal penalty for motor vehicle repair shops.
- Allow the Department of Revenue to share with the DACS certain confidential tax information the DACS needs to assist it in enforcing the motor vehicle repair act.
- Change the specific type-size requirement for advertising disclosures on items offered as



“free” to a general requirement that the disclosure appear in a “clear and conspicuous” statement.

- Allow the Department of Legal Affairs to deposit the fees and fines it collects under the Motor Vehicle Lemon Law into its Legal Affairs Revolving Trust Fund, in addition to the previous requirement that the funds be placed into its Consumer Frauds Trust Fund.

The effective date of this bill is October 1, 1998.

#### **1ST ENG/HB 3897 -- Motor Vehicles Lease/Sales Warranties**

**by Rep. Mackenzie and others** (passed as CS/CS/SB 1366 by Senate Transportation, Commerce and Economic Opportunities and Senator Klein)

Removes a conflict between state and federal law relating to vehicle lease contract disclosures and clarifies that car manufacturers are required to reimburse the finance charges to automobile leasing companies when a car is declared a “lemon”.

The effective date of this bill is July 1, 1998.

#### **HB 4073 -- Construction Industry Recovery Fund**

**by Rep. Wasserman-Schultz** (passed as 1ST ENG/SB 1976 by Senator Forman)

Modifies provisions related to limitations on the amounts which may be paid out of the Construction Industry Recovery Fund on account of the actions of a single contractor. Specifically, the bill:

- Provides that the aggregate cap for total compensation from the fund on account of any single contractor shall be changed from \$100,000 to \$250,000.
- Provides that although \$250,000 may be disbursed against a single contractor, only \$100,000 may be granted each year.

The effective date of this bill is upon becoming a law.

#### **HB 4359 -- Industrial Hygienists/Use of Titles**

**by the Committee on Business Regulation and Consumer Affairs and Rep. Ogles** (passed in 1ST ENG/HB 4439 by the Committee on Business Regulation and Consumer Affairs and Rep. Ogles and others)

Requires industrial hygienists and safety professionals to accurately disclose their credentials, and:

- Prohibits persons from referring to themselves under any one of several stipulated titles unless they possess a certification from one of two specifically cited boards, or a certification from a program with substantially equivalent standards (as determined by the Department of Business and Professional Regulation).
- Provides that failure to comply with these requirements or prohibitions shall constitute an unfair and deceptive trade practice under chapter 501, F.S.

The effective date of this bill is July 1, 1998.

**HB 4427 -- Physician Assistant Certification**  
**by the Committee on Business Regulation and Consumer Affairs and Rep. Ogles and others** (passed as CS/1ST ENG/SB 776 by Senate Health Care and Senator Clary)

Physician assistants are health professionals who function in a dependent relationship with a physician or group of physicians performing tasks traditionally performed by physicians. Specifically, the bill:

- Eliminates the practical component of the examination for physician assistants.
- Provides the standards for determining whether the applicant has complied with the requirement to be competent in basic English.
- Requires the examinations to be given at one-year intervals.

The effective date of this bill is upon becoming a law.

**HB 4429 -- Fire Alarm Contracting**  
**by the Committee on Business Regulation and Consumer Affairs and Rep. Ogles and others** (passed in CS/1ST ENG/SB 2484 by Senate Banking and Insurance and Senator Geller and others)

Contains provisions relating to training and criminal history checks for fire alarm agents and various changes to the regulation of fire protection equipment dealers. Regarding fire alarm agents, the bill:

- Defines fire alarm system agent work, and requires that any person who performs fire alarm system work receive 18 hours of training initially, and six additional hours every two years.
- Requires each fire alarm system agent to have a criminal history check done through submission of a fingerprint card to the FDLE.

Regarding fire protection equipment dealers, the bill:

- Defines the term “fire extinguisher,” provides requirements for conducting hydrotests of fire extinguishers and preengineered systems, and revises the types of work that may be performed by persons who hold particular classes of licenses or permits issued by the State Fire Marshal.

The effective date of this bill is October 1, 1998.

**1ST ENG/HB 4439 -- Contracting**  
**by the Committee on Business Regulation and Consumer Affairs and Reps. Ogles and Brown and others** (CS/CS/SB 2336 by Senate Community Affairs, Regulated Industries and Senator Clary)

Modifies or establishes provisions relating to the regulation of construction-related professions. These professions include asbestos abatement; building code administrators and inspectors; architects; engineers; construction contracting; and electrical or alarm contracting. The bill includes provisions which:

- Require training and criminal history checks for the workforce of fire alarm contractors.
- Allow engineers and architects to, upon the request of the local building department, perform building code inspection and plans review duties without having to be licensed as building code inspectors or plans reviewers.
- Require industrial hygienists and safety professionals to accurately disclose their credentials, and prohibit persons from referring to themselves under certain protected titles, unless qualified under one of several stipulated paths.
- Set forth additional and modified regulations associated with organizations and individuals who install and repair fire protection equipment. Substantive changes include requiring fire equipment dealers to obtain increased insurance coverage, and providing that an organization or person who has a license suspended or revoked may not apply for another license or be affiliated with another licensee during the period of the suspension or revocation.
- Establish training requirements for persons working on medical gas equipment.
- Eliminate the requirement that alarm systems must be monitored by alarm system contractors under certain circumstances, including allowing: (1) Law enforcement agencies to monitor alarms; (2) Banks to monitor their own alarms; and (3) Direct employees of any business entity to monitor their alarms, providing the system is: (a) owned or leased by the entity; (b) in compliance with applicable firesafety standards; and (c) used only on property leased by the business, or is on property owned by the business which is not leased to someone else.
- Provide that four dollars of the existing licensure fee for contractors licensed under Part II of chapter 489 (electrical and alarm system contractors) shall be allocated to the same committee (the Building Code Industry Advisory Committee) which produces academic studies which benefit the construction industry.

The effective date of this bill is July 1, 1998.

## **COMMITTEE ON FINANCIAL SERVICES**

### **CS/HB 823 -- Investment of State Moneys**

**by Committee on Finance and Tax & Rep. Gay & others** (CS/SB 1056 by Senate Governmental Reform & Oversight Committee & Sen. Kurth) (includes full text of HB 4177 -- Public Depositories by Rep. Maygarden)

The Department of Insurance, Division of Treasury operates the state's cash management and investment programs, which involve collecting funds from various state revenue sources, disbursing funds to pay state expenses, and investing the excess funds to maximize value.

- The bill expands the investment options available to the Treasurer to an additional grade of corporate and government bonds, to longer term and convertible corporate bonds, and to dollar denominated foreign bonds.
- The bill provides that funds held by the Florida Birth-Related Neurological Injury Compensation Association are funds of the state of Florida and may be invested only in accordance with s. 215.47, F.S., relating to investments of state funds in authorized securities. Section 215.47, F.S., permits a wider variety of investments, including equity investments. The bill is estimated to increase returns from investments between \$1.5 million and \$1.8 million.
- The bill provides that escrow funds held by title agents and deposited in financial institutions may be invested in accordance with investment standards established in s. 18.10, F.S.

The bill would provide the following changes to the Florida Security for Public Deposits Act (the FSPD Act):

- Public depositors would be required to perform various functions to certify, identify, and verify the funds they deposit in qualified public depositories;
- Qualified public depositories would be required to develop procedures and practices for identifying, classifying, reporting, and collateralizing public deposits;
- The state Treasurer would be required to reconcile public deposit information provided by the public depositor and the qualified public depository in situations when the depository is in a weakened financial condition.
- The two three-member advisory committees, one for banks and one for savings and loan associations, would be combined to form one six-member committee.
- The two separate contingent liability pools, one for banks and one for savings and loan associations, would be combined to form one contingent liability pool.

The effective date of the bill is July 1, 1998.

### **HB 1049 -- Limited Liability Companies**

**by Rep. LaCasa** (passed as SB 704 by Sen. Klein)

Passed as SB 704, the bill:

- Provides that qualified subchapter S subsidiaries are not treated as separate entities from their parent corporations for purposes of Florida income tax.
- States that the provisions pertaining to qualified subchapter S subsidiaries are intended to clarify the intent of the Legislature under existing law and are effective with respect to tax years beginning on or after January 1, 1997.
- Adopts the term “limited liability company” and the abbreviation “LLC” as references in statute. The bill also exempts LLCs from the state corporate income tax, which they currently pay at the rate of 5.5 percent.

The effective date of this bill is July 1, 1998.

**HB 1083 -- Uniform Commercial Code: Securities**  
**by the Committee on Financial Services and Rep. Safley** (CS/SB 644 by Senate Judiciary & Sen. Silver) (Chapter 98-11, Laws of Florida)

The bill replaces the current provisions of Chapter 678, F.S., “Uniform Commercial Code-- Investment Securities” by:

- Modernizing the legal structure for a recently developed system of securities holdings through the use of security intermediaries;
- Reflecting the current use of electronic filings;
- Setting forth rules for “securities entitlements;” and
- Establishing customers’ specific rights against their broker-dealers with regards to their accounts.

Additionally, the bill amends chapter 680, F.S., “Uniform Commercial Code -- Leases,” by:

- Allowing a transfer of interest, by sublease or otherwise, unless the transfer is a material violation of the lease contract;
- Giving preference to the lease agreement over a creditor unless the creditor's lien attached prior to the execution of the lease contract, the creditor has a security interest in the goods, the lessee did not pay value for the goods, and the lessee received the goods with knowledge of the security interest;
- Allowing any party to agree to subordinate that party's secured interest;
- Allowing the party to collect those damages agreed upon in the lease contract as well as those remedies provided in the Chapter;
- Revising the term “finance lease”; and
- Clarifying remedies.

The effective date of the bill is October 1, 1998

**CS/HB 1127 -- Motor Vehicle Insurance**

**by the Committee on Financial Services & Rep. Jones**  
(passed in CS/SB 1108 by Senate Banking & Insurance & Sen. Williams)

As passed in CS/SB 1108, the bill creates two new exemptions to the 60-day down payment requirement for new automobile insurance policies. The down payment requirement would not apply to premiums paid through payroll deduction or automatic electronic funds transfer plans.

The effective date of this bill is July 1, 1998.

**CS/HB 1575 -- Certified Capital Company Act**  
**by Committee on Financial Services and Rep. Feeney** (CS/CS/SB 1512 by Senate Ways & Means; Senate Banking & Insurance & Sen. Latvala)

Certified capital companies ("CAPCOs") are private venture capital firms licensed by the state and funded by contributions from insurers. Contributing insurers would receive a credit against state premium taxes for each dollar contributed to a CAPCO. The bill provides the following elements:

- The Office of Tourism and Economic Development with the Office of the Governor, the Department of Banking and Finance, and the Department of Revenue have roles in the administration, oversight, and regulation of the program.
- The cap for tax credits which may be allocated by OTTED is set at \$150 million, amortized over a ten year period. The maximum annual amount of tax credits which may be used is set at \$15 million.
- In the event distributions made by a CAPCO to certified investors and equity holders (with the exception of "qualified distributions") exceed the amount of the CAPCO's original certified capital plus any additional capital contributions, the CAPCO shall pay 10 percent of that excess to the DOR.
- At least two principals of each CAPCO must have at least 5 years experience making venture capital investments with private equity funds. Those equity funds are required to have been capitalized with not less than \$20 million being provided by third party investors for investment in early stage businesses. At least one full-time manager must be located in an office in the state.
- A "qualified business" must be involved in manufacturing, processing, assembling, research and development or providing services, must affirm that it will remain in the state for the next 10 years, and that the business has less than 200 employees and 75 percent of its workforce is employed in the state.
- Businesses involved in retail sales, real estate development, insurance, banking, lending, and oil and gas exploration are not eligible for investment as a "qualified business."
- A CAPCO would not be entitled to receive an allocation of tax credits from the OTTED unless the CAPCO has at least \$15 million pledged to it by certified investors.
- Certified investors of CAPCOs may take advantage of the premium tax credit after the CAPCO has invested at least 20 percent of certified capital in qualified businesses, by calendar year 2000.
- To maintain its certification, a CAPCO must invest: 30 percent of its certified capital by

2001, 40 percent of its certified capital by 2002; and 50 percent of its certified capital by 2003. At least 50 percent of qualified investments must be placed in early stage technology business.

- OTTED is required to file an annual report by April 1, with the Legislature, addressing the public policy goals of the program.

The effective date of the bill is upon becoming a law.

#### **CS/HB 1657 -- Business Entities**

**by Committee on Financial Services & Rep. Kosmas** (as passed in SB 704 by Sen. Klein)

The bill:

- Provides that qualified subchapter S subsidiaries are not treated as separate entities from their parent corporations for purposes of Florida income tax.
- States that the provisions pertaining to qualified subchapter S subsidiaries are intended to clarify the intent of the Legislature under existing law and are effective with respect to tax years beginning on or after January 1, 1997.
- Adopts the term “limited liability company” and the abbreviation “LLC” as references in statute. The bill also exempts LLCs from the state corporate income tax, which they currently pay at the rate of 5.5 percent.

In addition, the bill:

- Amends chapters 607, 608, and 620, F.S., to permit mergers of Florida corporations, limited partnerships, and limited liability companies with or into each other and with or into other business entities both domestic or foreign;
- Amends the shareholder agreement provisions contained in s. 607.0732, F.S., to add an additional criterion to the existing list of criteria which allow corporations with 100 or fewer shareholders to adopt shareholder agreements that include provisions inconsistent with statutes governing the exercise of corporate powers of management; and,
- Conforms statutory provisions to the elimination of the Name Reservation program, which was de-funded at the request by the Department of State, and as provided in the 1997-1998 General Appropriations Act.

The effective date of this bill is July 1, 1998.

#### **CS/HB 1887 -- Florida [Automobile] Joint Underwriting Association: Public Records Exemption**

**by the Committee on Governmental Operations & Rep. Ball** (SB 746 by Sen. Williams)

The bill specifies the applicability of open government laws to the Florida [Automobile] Joint Underwriting Association (FJUA), as follows:

- Provides that the FJUA is subject to the Public Records and Government in the Sunshine Laws.

- Exempts from disclosure certain records relating to open claims files, underwriting files, open internal audits, privileged attorney-client communications, proprietary information, employee records, and ongoing negotiations, and also exempts portions of meetings relating to open claims files and underwriting files.
- Requires that a court reporter record all closed meetings and that the FJUA retain those notes for 5 years. A copy of the transcript of closed portions of meetings, less any exempt matters, during which claims are discussed becomes public after the claim is settled.
- Provides a public necessity statement for the exemptions, as is required by Article I, s. 24, of the State Constitution, and the exemptions are made subject to the Open Government Sunset Review Act of 1995.

The effective date of this bill is upon becoming a law.

**HB 3239 -- Securities Transactions**  
**by Rep. Thrasher (SB 510 by Senator Horne)**

In general, HB 3239 conforms state law to the National Securities Markets Improvement Act enacted by Congress in 1996, as follows:

- A “federal covered investment adviser” would no longer be required to register with the Department of Banking and Finance (the department). A “federal covered investment adviser” handles more than \$25 million in assets.
- The department would retain authority to investigate fraud or deceit and bring enforcement actions, but would no longer regulate “federal covered investment advisers.”
- Any “federal covered investment adviser” would not be required to register their branch offices or their agents who do not have a physical presence in the state.

As a result of HB 3239, a “federal covered investment adviser” would be required to file notice with the department and pay a filing fee. The department would be authorized to establish procedures by rule for depositing fees and filing documents electronically. Charitable organizations that offer securities for sale would continue to be required to register with the department.

As part of this bill, \$75,000 would be appropriated from the Anti-Fraud Trust Fund to be used to improve the public’s awareness of prudent investing.

The effective date of this bill is upon becoming a law.

**HB 3597 -- Insurance: Family Day Care Homes**  
**by the Committee on Financial Services & Rep. Safley (CS/SB 226 by Senate Banking & Insurance & Senate Banking & Insurance) (Chapter 98-6, Laws of Florida)**

The bill prohibits insurers from denying, canceling, or nonrenewing residential property insurance policies solely on the basis that a family day care home is operated on the property, except in limited circumstances. Insurers would be able to deny, cancel, or nonrenew policies if the homeowner provided day care for more children than allowed by law, if the homeowner failed to maintain separate liability coverage for the day care activities, if the homeowner failed to comply with the applicable licensing and registration laws, or if certain negligent acts or violations of law



or rule were discovered. The bill also provides that a residential property insurance policy must exclude coverage for claims arising out of the operation of a family day care home, unless the liability coverage was specifically provided in the policy or in a rider or endorsement attached to the policy.

The effective date of this bill is October 1, 1998.

**CS/HB 3661 -- Authority of the State Board of Administration to invest public funds by the Committee on Governmental Operations & Rep. Garcia (CS/SB 1352 by Senate Governmental Reform & Oversight & Sen. Rossin)**

The State Board of Administration (SBA), created pursuant to Art. XII, s. 9 of the Florida Constitution, is composed of the Governor, who serves as Chairman, the Treasurer and the Comptroller. Pursuant to s. 215.44, F.S., the SBA has the authority to invest certain state funds.

CS/HB 3661 makes the following changes to chapter 215, F.S.:

- Increases the maximum that the SBA would be able to invest in foreign markets from 10 percent, to 20 percent. Additionally, the amount that the SBA would be able to invest in internally managed common stock would be raised from 50 percent to 75 percent.
- The Department of Management Services would no longer have the authority to review what the SBA charges other agencies and the judicial branch for its investment services.
- OPPAGA would be required to perform a performance audit of the SBA only once every other year.

The bill removes from statute lists of specific agencies or institutions in which the SBA has the authority to invest. These lists are replaced with more general language giving the SBA more freedom in its investment choices.

The bill authorizes the SBA to manage the equity portfolio of the Division of Blind Services.

The effective date of this bill is upon becoming a law.

**HB 3665 -- Property Insurance by the Committee on Financial Services, Rep. Safley & others (passed in CS/SB 1108 by Senate Banking & Insurance & Sen. Williams)**

CS/SB 1108 contains the portion of the bill that extends indefinitely the freeze on geographical expansion of eligibility for Florida Windstorm Underwriting Association (FWUA) coverage. Also included is that portion which extends for an additional two years the moratorium on hurricane-related cancellations and nonrenewals of personal lines residential insurance policies and the moratorium on hurricane-related cancellations and nonrenewals of condominium association policies.

The effective date of this bill is July 1, 1998.

**CS/HB 3697 -- Commercial Inland Marine Insurance by the Committee on Financial Services & Rep. Bainter (passed in CS/SB 1108 by Senate Banking & Insurance & Sen. Williams)**

CS/SB 1108 contains the portion of the bill that exempts all commercial inland marine insurance policies, rather than only “specially rated” commercial inland marine insurance policies, from rate and form regulation under the Insurance Code.

The effective date of this bill is July 1, 1998.

### **HB 3773 -- Mortgage Lenders**

**by Rep. Goode** (passed as SB 1350 by Sen. Williams) (**Chapter 98-45, Laws of Florida**)

This is a rule authorizing bill that authorizes a one time transfer of at least 50 percent of the ownership, control, or voting power of a licensed mortgage lender (under s. 494.0065, F.S.) by an ultimate equitable owner of the lender.

- The bill authorizes a person who is an ultimate equitable owner, as of the bill’s effective date, to transfer at least 50 percent of the ownership, control, or voting power to the person’s spouse or child, and any such transferee may transfer, at any time, such ownership, control, or voting power to a spouse or child of such transferee, in perpetuity.
- The transfers authorized by the bill would be subject to the old licensure requirements, including the \$25,000 net worth requirements.
- All subsequent transfers, excluding the spouse or child transfer, would require approval by the Department of Banking and Finance and would be subject to the \$25,000 net worth requirement.
- The bill provides the statutory authorization for three department rules, which the agency deems necessary, that currently exceed the agency’s rulemaking authority.

The effective date of this bill is upon becoming a law.

### **HB 3889 -- Motor Vehicle Insurance**

**by the Committee on Financial Services, Rep. Safley, & others** (CS/SB 2052 by Senate Banking & Insurance & Sen. Diaz-Balart)

In general, every owner or registrant of a four-wheeled motor vehicle is required to maintain personal injury protection (PIP) insurance, also known as no-fault insurance. Subject to copayments and other restrictions, PIP covers injuries sustained in motor vehicle accidents without regard to fault. This bill revises the PIP law to:

- Provide that when a treatment provider bills the insurer, the bill may not include, and the insurer is not required to pay, charges for services provided more than 30 days before the date of the bill, except for past due amounts and except for hospital services and ambulance services. A provider’s bill could cover a 60-day period if the provider gives the insurer notice within 21 days after the first examination or treatment of the injured party.
- Provide that an insurer’s independent medical examination could be conducted within the municipality where the injured person is being treated, within the municipality where the injured person resides, or within 10 miles of the injured person’s home, provided the location is within the insured’s county of residence.
- Specify who is the “prevailing party” entitled to attorney’s fees and costs when a dispute

between an insurer and a medical provider is arbitrated, and require the parties to arbitration to specify the issues for arbitration in advance.

The bill also allows an insurance agent to charge an applicant a fee to cover the agent's costs of obtaining motor vehicle records, to the extent that those costs are not otherwise compensated.

The effective date of this bill is October 1, 1998.

**CS/CS/HB 3899 -- Intangible Personal Property Taxes**  
**by Committee on Finance & Taxation, Committee on Financial Services, Committee on Finance & Taxation & Rep. Starks** (passed as CS/SB 1450 by Senate Ways & Means & Sen. Bankhead)

CS/SB 1450 makes numerous changes to the intangible tax. Changes include:

- The minimum amount of tax due before a return and payment are due would rise from \$5 to \$60.
- One-third of accounts receivable would be exempt from the tax. The bill expresses the intent of the Legislature to increase the exemption and eventually phase out the tax on accounts receivable.
- Banks, savings associations, and insurance companies would be exempt from the intangible tax. Additionally, credits for intangible tax paid which are given to banks, savings associations, and insurers would be repealed.
- A bank or savings association that acts as a fiduciary or agent of a trust other than as a trustee would be exempt from the intangible tax. In that case, the trust would not be considered a Florida-situs trust solely by virtue of its management or control by the bank or savings association.
- The Roth and Education IRAs and employee stock options would be exempt from the intangible tax.
- Interests in real estate securitizations (REMICs or FASITs) would be exempt from the intangibles tax.
- Penalties for late filing and late payment would be capped at a combined total of no more than 10 percent per month and no more than 50 percent of total tax due. The penalty for under reporting and undervaluation would be capped at 10 percent.
- The disposition of the taxes collected would be modified. For fiscal year 1998-1999, the Revenue Sharing Trust Fund for Counties would receive 35.3 percent of taxes collected. The remaining 64.7 percent would go to the General Revenue Fund. In later years, the Revenue Sharing Trust Fund for Counties would receive 37.7 percent and the General Revenue Fund would receive 62.3 percent.

The effective date of this bill is July 1, 1998, except as otherwise provided in the bill.

**HB 3907 -- Occupational Safety and Health**  
**by Rep. Arnall** (passed as CS/SB 1626 by Senate Commerce & Economic Opportunities & Sen. Harris)

CS/SB 1626 amends the Florida Occupational Safety and Health Act. Changes to this act include:

- The authority of Division of Safety to make studies and investigations, prescribe what safety devices must be adopted, implement training programs, and enforce penalties for failure or refusal to comply with the provisions of chapter 442, F.S., is limited to public sector employers.
- The legislative intent language that gives the division the authority to “provide assistance to employers, employees and insurance carriers” is repealed.

CS/SB 1626 eliminates the following sections of F.S.:

- The division’s right of entry under s. 442.009, F.S., and the compliance provision of s. 442.019, F.S.;
- The mandated employee health and safety programs for employers with a high frequency or severity of injuries under s. 442.0105, F.S.; and
- Authority of a carrier or self-insurance fund to cancel the insurance contract of an employer that fails to implement a safety and health program as mandated by the division under s. 442.015, F.S.

The division is authorized to provide safety consultations to employers that are in the workers’ compensation JUA.

The effective date of this bill is July 1, 1998.

**HB 4009 -- Securities Transactions: Settlement of GIC Claims  
by Rep. Tamargo (passed as SB 2122 by Sen. Lee)**

Legislation passed in 1996 allowed the Department of Banking and Finance to collect an assessment fee on every dealer, investment adviser, and associated person licensed by the department. The legislation directed money collected from this assessment be deposited in the Securities Guaranty Fund (SGF) and used to pay claims filed with the department by people who suffered monetary losses as a result of actions by the GIC Government Securities, Inc. (GIC).

SB 2122 amends chapter 517, F. S., and establishes the Investment Fraud Restoration Financing Corporation as a nonprofit public benefit corporation to simultaneously satisfy all valid GIC claims filed with the department; “borrow money and issue notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness”; and terminate on July 1, 2021, or upon fulfillment of all its duties, whichever occurs first.

The filing deadline for GIC claims would be extended to December 31, 1998.

SB 2122 also requires the Department of Banking and Finance to:

- Delay reducing the amount of the assessment fee collected from dealers, associated persons, and investment advisers not only until all valid GIC claims had been paid as required by current law, but also after any contract entered into by the department with the Investment Fraud Restoration Financing Corporation had been satisfied.
- Delay reducing the amount of the assessment fee allocated to the SGF not only until all valid GIC claims had been paid as required by current law, but also after any contract

entered into by the department with the Investment Fraud Restoration Financing Corporation had been satisfied.

The effective date of this bill is upon becoming a law.

**CS/HB 4047 -- International Health Insurance Policies**

**by the Committee on Financial Services & Rep. Ziebarth** (SB 1416 by Sen. Gutman)  
(also passed in CS/SB 1372 by Senate Banking & Insurance & Sen. Williams)

The bill authorizes the sale of “international health insurance policies” to residents of foreign countries at international airports without being subject to rate or form regulation by the Department of Insurance.

The effective date of this bill is October 1, 1998.

**CS/HB 4065 -- Public Accountancy**

**by the Committee on Financial Services, Committee on Financial Services & Rep. Safley**  
(CS/SB 1508 by Senate Regulated Industries & Sen. Latvala)

CS/HB 4065 authorizes the Board of Accountancy to:

- Establish a probable cause panel composed of an unlimited number of current and past board members who are licensees in good standing;
- Establish an Educational Advisory Committee and a Continuing Professional Education Council;
- Adopt an alternative licensure exam for persons who have been licensed to practice public accountancy in foreign countries that the International Qualifications Appraisal of the National Association of State Boards of Accountancy has ratified an agreement with for reciprocal licensure; and
- Waive the requirement for “hours in excess of a baccalaureate degree” for applicants who are licensed in foreign countries that the International Qualifications Appraisal of the National Association of State Boards of Accountancy has ratified an agreement with for reciprocal licensure.

An attorney who is a member of The Florida Bar and a CPA licensed by the state would be exempt from the standards of the practice of public accounting when those standards are in conflict with the rules of The Florida Bar and the orders of the Supreme Court.

All certified public accountants who are domiciled in Florida, are licensed in another state, and have an interest in a partnership, corporation or limited liability company that practices public accounting in Florida would be required to be licensed to practice public accounting in Florida. All firms that perform audited financial statements would have to be licensed by the department.

The effective date of this bill is October 1, 1998.

**HB 4177 -- Public Depositories**

**by Rep. Maygarden** (passed in CS/HB 823 by the Committee on Finance & Tax & Rep. Gay & others)

This bill provides the following changes to the Florida Security for Public Deposits Act (the FSPD

Act):

- Public depositors would be required to perform various functions to certify, identify, and verify the funds they deposit in qualified public depositories;
- Qualified public depositories would be required to develop procedures and practices for identifying, classifying, reporting, and collateralizing public deposits;
- The state Treasurer would be required to reconcile public deposit information provided by the public depositor and the qualified public depository in situations when the depository is in a weakened financial condition;
- The two three-member advisory committees, one for banks and one for savings and loan associations, would be combined to form one six-member committee; and
- The two separate contingent liability pools, one for banks and one for savings and loan associations, would be combined to form one contingent liability pool.

The effective date of this bill is July 1, 1998.

#### **CS/HB 4251 -- Insurance**

**by the Committee on Financial Services & Rep. Tamargo**

(passed in CS/SB 1372 by Senate Banking & Insurance & Sen. Williams)

As passed in CS/SB 1372, the bill amends various provisions relating to insurance, as follows:

- Revises provisions of the Florida Hurricane Catastrophe Fund law to allow larger advances against expected reimbursement payments for “limited apportionment” insurers (insurers that have surplus of \$20 million or less and write at least 25 percent of their policies in Florida).
- Allows the Department of Insurance to limit the scope of a financial examination of an insurer, and allows the department to examine certain insurers once every 5 years instead of once every 3 years.
- Provides circumstances under which an insured may receive a credit for premiums paid on a noncancellable motor vehicle policy.
- Provides that the requirement that policies be issued and countersigned by a resident agent would not apply when a policy is moved from one insurer to another insurer within the same insurer group.
- Replaces certain annual liability insurance experience reporting requirements with a requirement that insurers provide the information when requested by the Department of Insurance.

The effective date of this bill is October 1, 1998.

#### **HM 4265 -- Urging Congress to Adopt a Tax Exemption for the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association**

**by Rep. Safley (SM 1570 by Sen. Burt)**

The memorial urges Congress to enact legislation that would exempt Florida's two state-created, nonprofit property insurers of last resort, the Florida Windstorm Underwriting Association (FWUA) and the Residential Property and Casualty Joint Underwriting Association (RPCJUA), from federal income taxation. The FWUA and the RPCJUA are currently subject to federal income taxation in the same manner as for-profit insurance companies.

### **CS/HB 4267 -- Requirements for Employee Leasing Companies**

**by Committee on Financial Services & Rep. Wiles** (passed in CS/SB 1372 by Senate Banking & Insurance & Sen. Williams)

Employers securing workers' compensation coverage through employee leasing companies (ELCs) by the use of leased employees may impact the experience modification factor used in determining workers' compensation premiums. For example, employers with a high frequency of compensable workplace accidents could use an ELC to obtain coverage and take advantage of the lower experience modification factors enjoyed by the ELCs. If this were to occur, the employer could be paying lower workers' compensation premiums than justified by their experience.

As passed in CS/SB 1372, this bill:

- Defines the term "experience rating modification";
- Ensures that employers who lease employees from employee leasing companies properly obtain coverage for all employees and pay premium that is commensurate with the experience of the employer;
- Provides that the information accrued during an employee leasing arrangement shall be used to determine an experience modification factor for the employer when the arrangement is terminated and shall continue to be used to calculate experience modification factors for the employee leasing company
- Prohibits employers from contracting with an employee leasing company or from procuring coverage in the voluntary market if the employer owes money to an employee leasing company or owes premium to an insurer; and
- Requires insurers to conduct annual audits of payroll and classification of employee leasing companies.

The effective date of this bill is October 1, 1998.

### **HB 4373 -- Excise Tax on Documents**

**by Rep. Flanagan** (CS/SB 1082 by Senate Ways & Means & Sen. Ostalkiewicz)

HB 4373 allows promissory notes to be renewed at an increased level of obligation without the borrower having to pay documentary stamp tax on the full amount of the obligation.

- This renewal could be accomplished without the step of creating and executing a "side note." The documentary stamp tax would only be imposed on the amount of the increase.

The effective date for this part of the bill is July 1, 1998.

- Furthermore, a renewal note evidencing a revolving obligation which is executed only by the original obligor and renewed or extended by no more than the original face amount of the original contract or obligation shall be exempt from taxation and applied retroactively to

any promissory note evidencing a revolving credit obligation executed on or after January 1, 1990, for which the tax under s. 201.09, F.S., had not been paid and which is the subject of a pending protest that was initiated prior to January 1, 1998.

The effective date for the remainder of this bill is, unless otherwise stated, upon becoming a law.

**CS/HB 4451 -- Insurance**

**by the Committee on Financial Services & Rep. Rayson**

(passed in CS/SB 1372 by Senate Banking & Insurance & Sen. Williams)

As passed in CS/SB 1372, the bill conforms provisions of chapter 626, F.S., to several laws enacted in prior years, including the 1990 Sunset review of the chapter. The bill also:

- Provides for licensure and regulation of nonresident independent adjusters and nonresident public adjusters.
- Increases fines for willful violations of the Insurance Code by insurance agents and other field representatives, provides for restitution, and increases the amount of the surety bond that must be filed by an agent or a public adjuster.
- Requires the use of a licensed and appointed agent to transact insurance on behalf of a group (i.e., workers' compensation) self-insurance fund.
- Requires adjusters to maintain records of adjustments for 3 years, instead of 1 year.
- Allows the holder of a limited credit insurance license to hold certain other licenses.
- Provides circumstances under which a credit life or disability insurance policy can be issued for a period shorter than the term of the loan.
- Exempts certain newly-formed, minority-owned insurance companies from premium taxes, excise taxes, and regular assessments of the Residential Property and Casualty Joint Underwriting Association and the Florida Windstorm Underwriting Association.

The effective date of this bill is October 1, 1998.

**HB 4489 -- Insurance claims of Holocaust victims and their heirs and beneficiaries**

**by Rep. Gottlieb** (passed in CS/SB 1108 by Senate Banking & Insurance & Sen. Williams)

As passed in CS/SB 1108, the bill requires insurers to investigate claims of Holocaust victims or their beneficiaries, allow the claimant to meet a reasonable standard of proof, and permit claims, regardless of any statute of limitations imposed by the policy; and make a report to the Department of Insurance regarding any legal relationship the insurer might have with an insurer that issued a policy to a Holocaust victim and any claims outstanding.

The effective date of this bill is July 1, 1998.

**HB 4501 -- Credit Union Conversion Moratorium**

**by the Committee on Financial Services & Rep. Safley** (CS/SB 200 by Senate Banking & Insurance & Sen. Laurent)



The bill imposes a moratorium on conversions of federally-chartered credit unions to state-chartered credit unions until July 1, 1999.

- The Comptroller could issue an order of general application to lift the moratorium on an earlier date, and the bill provides standards for the Comptroller to consider before lifting the moratorium. For instance:
  - (a) whether the Congress has amended the Federal Credit Union Act and, if so, the effect the amendments have or may have on the relative competitive positions of state and federally chartered credit unions; and
  - (b) the extent to which Florida would be able to assume the costs of examination and supervision for any newly converted institutions.

The effective date of this bill is upon becoming a law.

### **HB 4523 -- Workers' Compensation (Fraud and Noncompliance)**

**by the Committee on Financial Services, Rep. Safley and others** (passed as CS/CS/SB 1406 by Senate Ways & Means, Senate Banking & Insurance & Sen. Clary)

Within the last year, reports by the Workers' Compensation Oversight Board and the Fourteenth Statewide Grand Jury prompted the insurance industry, governmental entities, and employers to focus considerable attention on the related issues of workers' compensation fraud and noncompliance. As passed in CS/CS/SB 1406, the bill makes the following changes to Florida law:

- Increases the application fee for elections of exemption from workers' compensation and gives the Division of Workers' Compensation the authority to revoke exemptions.
- Requires that construction industry exemptions renew every 2 years;
- Grants Judges of Compensation Claims the authority to deny benefits if it finds workers' compensation fraud;
- Clarifies that independent contractors, who provide a general contractor with an affidavit and an exemption form, are not employees and are not entitled to benefits under 440;
- Increases the damages that can be awarded in a competitive bidder civil action;
- Increases the criminal penalties associated with workers' compensation fraud and increases the statute of limitations for prosecuting a workers' comp fraud case;
- Grants the Division of Workers' Compensation investigatory and subpoena powers;
- Modifies provisions relating to Nomination of Judges of Compensation Claims and modifies the requirements of the Chief Judge of Compensation Claims; and
- Requires the Division of Insurance Fraud (DOI) and the Division of Workers' Compensation Fraud (DLES) to submit a joint report to the legislature

The effective date of this bill is January 1, 1999, except as otherwise provided in the bill.

**HB 4703 -- Workers' Compensation Joint Underwriting Association**  
**by the Committee on Financial Services & Rep. Safley** (passed in CS/SB 1108 by Senate Banking & Insurance & Sen. Williams)

As passed in CS/SB 1108, this bill changes the composition of the board of governors of the Florida Workers' Compensation Joint Underwriting Association (WCJUA) in order to more accurately reflect the current domestic workers' compensation insurance market.

Also, as the WCJUA is required under its plan of operation to reject coverage when a person is delinquent in the payment of premiums or surcharges to an insurer in the voluntary market, this bill prohibits insurers in the voluntary market from providing workers' compensation coverage to any person who is delinquent in the payment of premiums, assessments, surcharges, or penalties to the WCJUA.

The effective date of the bill is July 1, 1998.

**HB 4705 -- Drug Free Workplace Program Requirements**  
**by the Committee on Financial Services, Rep. Safley & others** (passed as SB 1972 by Sen. Lee)

For employers implementing a drug-free workplace program, s. 440.09(7)(b), F.S. (1997) [formerly s. 440.09(3), F.S. (1991)], creates an irrebuttable presumption that a workplace injury is caused by intoxication or drug use if alcohol or drugs are found in the employee's system at the time of the injury. However, the Florida Supreme Court, in Recchi America, Inc. v. Hall, 692 So.2d 153 (Fla. 1997), declared this irrebuttable presumption to be an unconstitutional violation of due process rights because it does not give the employee the opportunity to prove that intoxication or drug use did not cause the injury. As a result, all employees, regardless of whether a drug-free workplace program is in effect, may presently rebut the presumption that a workplace injury was caused by intoxication or drug use by showing "clear and convincing" evidence that the intoxication or drug use did not cause the injury.

As passed in SB 1972, this bill creates an alternative rebuttable presumption for employees of drug-free workplaces. According to the bill, an employee of a drug-free workplace found to have alcohol or drugs in his or her system at the time of an injury, may rebut the presumption by demonstrating that there is "no reasonable hypothesis that the intoxication or drug use contributed to the injury." In creating an alternative presumption, this bill restores the distinction, that existed prior to the Recchi case, between employers who have implemented a drug-free workplace and those who have not.

The effective date of this bill is July 1, 1998.

**HB 4815 -- Workers' Compensation**  
**by the Committee on Financial Services and Representative Safley**  
(a portion passed in CS/SB 1372 by Senate Banking & Insurance & Sen. Williams)

The portion of the bill authorizing the creation of the Special Disability Trust Fund Privatization Commission to study the feasibility of privatizing all or part of the Special Disability Trust Fund (SDTF) passed in CS/SB 1372.

The effective date of this bill is October 1, 1998.

**SB 608 -- Corporate Income Tax**  
**by Sen. Ostalkiewicz**

The bill updates references in chapter 220, F.S., the Florida Income Tax Code, to reflect changes in the U.S. Internal Revenue Code for corporate income tax purposes.

In addition, the bill:

- provides that qualified subchapter S subsidiaries are not treated as separate entities from their parent corporations for purposes of Florida income tax.
- states that the provisions pertaining to qualified subchapter S subsidiaries are intended to clarify the intent of the Legislature under existing law and are effective with respect to tax years beginning on or after January 1, 1997.

The effective date of the bill is upon becoming a law, except as otherwise provided.

**SB 766 -- Insurance: Agents' Continuing Education Providers, Auto Insurance Minimum Down Payments**  
**by Sen. Diaz-Balart**

The bill amends provisions relating to continuing education for insurance agents and minimum down payments for new auto insurance policies, as follows:

- Provides the Department of Insurance with the authority to regulate agents' continuing education course providers, instructors, school officials, and monitor groups, including investigations and imposition of fines. The current Department of Insurance rules regulating providers of continuing education courses for insurance agents are not clearly authorized by statute, and the department has identified two of the rules as exceeding the department's statutory authority.
- Since 1995, applicants for auto insurance policies have been required to pay a down payment equal to 2 months' premium. The bill adds an exception to the minimum down payment requirement for auto premiums paid through payroll deduction plans or automatic electronic funds transfer plans.

The effective date of this bill is July 1, 1998.

**SB 768 -- Sureties**  
**by Sen. Diaz-Balart (Chapter 98-39, Laws of Florida)**

The bill provides statutory authority for three Department of Insurance rules relating to collateral security agreements involving bail bond agents, as follows:

- Authorizes the Department of Insurance to adopt rules setting out the form of the statutorily-required affidavits and statements of the source and amount of the collateral or consideration for a bail bond. The effect of this provision is to authorize current Rules 4-221.125 and 4-221.130, F.A.C.
- Requires the indemnity agreement between the principal (the person seeking the bail bond) and the surety (bail bond company) or bail bond agent to contain specific language to hold

the surety or agent harmless from all losses not otherwise prohibited by law or rule. This provision places in statute the substance of current Rule 4-221.140, F.A.C.

The effective date of this bill is October 1, 1998.

**CS/SB 1332 -- Investment of Public Funds  
by Senate Governmental Reform & Oversight & Sen. Latvala**

CS/SB 1332 authorizes the State Board of Administration to adopt rules regarding the terms of bonds, the Local Government Surplus Funds Trust Fund, and local government investment authority. Additionally, the Florida Prepaid Postsecondary Education Expenses Board would be granted the authority to adopt procedures to govern contract dispute proceedings between the Board and vendors.

The effective date of this bill is upon becoming a law.

**CS/SB 1342 - Workers' Compensation  
by Senate Banking & Insurance & Sen. Diaz-Balart**

The bill authorizes the Division of Workers' Compensations' rulemaking authority relating to:

- Elections of exemption
- Impairment income and wage-loss benefits
- Supplemental income benefits
- Temporary disability
- Permanent total and permanent total supplemental benefits
- Wage statement documentation
- Employee Assistance and Ombudsman Office
- Monitoring and auditing
- Compensation notice
- Retroactive cancellation
- Special Disability Trust Fund
- Preferred Worker Program, and
- Reporting requirements

The effective date of this bill is upon becoming a law.

**CS/SB 1346 -- Rulemaking authority with respect to occupational safety and health  
by Sen. Diaz-Balart**

CS/SB 1346 provides statutory authority for the Division of Safety of the Department of Labor and Employment Security to adopt certain rules. The division would be given authority to adopt rules regarding investigations of public-sector employers; record keeping responsibilities for public-sector employers; adoption of federal regulations and standards for public-sector employees; and workplace-safety program requirements for a help-supply-services company.

The effective date of this bill is upon becoming a law.

**CS/SB 1408 -- Workers' Compensation Public Records Exemptions  
by Senate Banking & Insurance & Sen. Clary**

The bill exempts investigatory records of the Division of Workers' Compensation which are received from employers pursuant to its authority to enter work sites and inspect business records to ascertain compliance with workers' compensation coverage requirements. The bill provides that the investigation or business records become public and are disclosed when the division's investigation is completed or ceases to be active. Under limited circumstances, certain business records remain confidential. This public records exemption provision is similar to current law for other state agencies which obtain records through their compliance-type activities, such as the Department of Insurance and the Agency for Health Care Administration.

The bill also exempts any information contained in notices of injury, required to be filed with the Division of Workers' Compensation pursuant to s. 440.185, F.S., which identifies an injured employee. This exemption, and the rationale for it, are identical to the public records exemption in current law which exempts medical records and identifying information of an employee in medical records.

The effective date of this bill is January 1, 1999, unless otherwise provided.

**COMMITTEE ON REGULATED SERVICES**

**HB 1747, 2nd Engrossed -- Pari-Mutuel Wagering  
by Rep. Fasano and Others (No Senate companion)**

Extends current tax (via repeal of a scheduled expiration) rates for harness and jai alai permitholders and for intertrack wagering of simulcast horse signals by all permitholders. Provides for weekly purse payments and reports, allows the transfer of statutorily provided tax credits, provides for direct payment of purses to greyhound owners, provides for certain purse payments, provides payments to local greyhound associations, and provides a limited ITW license for a thoroughbred sales facility.

- Allows greyhound permitholders that are not able to utilize a statutory tax credit to transfer the credit to a host greyhound track for credits on intertrack wagering. The host track is to reimburse the greyhound permitholder for the amount of the tax credit. (Affects panhandle tracks and Melbourne)
- Maintains current tax rates for jai alai and harness permitholders, for intertrack wagering on rebroadcasts of simulcast horseraces, and for intertrack wagering within the market area for greyhounds and jai alai permitholders.

- Provides purse and reporting requirements for host greyhound tracks sending simulcast and ITW broadcasts outside the market area.
- Provides a formula for the weekly disbursement of purses.
- Requires weekly purse payment reports.
- Provides a voluntary deduction of at least 1 percent from purses to fund local kennel operator associations.
- Provides for the direct payment of purses to greyhound owners.
- Requires a greyhound permitholder to provide the division and kennel operators with sufficient documentation to ensure the proper payment of purses.
- Clarifies that greyhound permitholders must pay purses when conducting ITW on dark days within a race meet.
- Allows a stallion standing in the state during a specified period of each year to be eligible for stallion awards.

- Provides a limited intertrack wagering license for a thoroughbred sales facility (Ocala Breeders' Sales).

Effective upon becoming law, except as otherwise provided in the act.

**HB 3289 -- State Lottery; Instant Ticket Vending Machines  
by the Committee on Regulated Services and Rep. Morroni (SB 836 by Sen. Gutman)**

Allows the Lottery Department to continue and expand instant ticket vending machine (ITVM) operations by removing a provision which may prohibit the continued use of ITVMs. Requires that the department lease all ITVMs. Removes a requirement that two clerks be on duty at a lottery retailer location while the ITVM is in operation except that two clerks are required if the vendor violates the lottery ticket sales to minors prohibition.

The act is effective upon becoming a law.

**HB 3307 -- Alcoholic Beverage Surcharge; employment of WAGES participants  
by Rep. Gay and Others (passed as part of CS/HB 4147, 2nd Engrossed, by Committee on Children and Family Empowerment, Rep. Littlefield and Others)**

HB 3307 was withdrawn from the Committee on Regulated Services and all other committees of reference and subsequently died without being referred to a committee. The substance of HB 3307 was, however, amended onto HB 4147. That provision tied the repeal of the alcoholic beverage surcharge to employment of WAGES participants by the food and beverage industry.

CS/HB 4147 was vetoed by the Governor on May 1, 1998.

**CS/HB 3663 -- Pari-Mutuel Wagering; Jai Alai Permitholders  
by Regulated Services, Rep. Westbrook and Others (SB 1080 by Sen. Silver and Others)**

Provides tax relief to jai alai permitholders and allows jai alai permitholders to apply for operating dates.

- Provides an estimated \$6.5 million in tax relief to jai alai permitholders whose tax payments exceed operating earnings in any fiscal year via a tax credit applied to the pari-mutuel taxes due during its next ensuing meet.
- Allows jai alai permitholders to apply for a license or amend its license for the 1998-1999 fiscal year.

Effective July 1, 1998.

**HB 3669 -- Orange County; Alcoholic Beverage Licenses  
by Rep. Sindler and Others**

This bill amends chapter 96-521, Laws of Florida, a special act which authorized the issuance of alcoholic beverage licenses to vendors in an entertainment/resort complex in Orange County as an exception to general law, to expand the boundaries thereof and to redefine the term "entertainment/resort complex."

The effective date of this bill is upon becoming a law.

## **HB 3723 -- Pari-Mutuel Wagering; Thoroughbred Permitholders**

**by Rep. Bainter and Others** (passed as CS/SB 440, 1st Engrossed, by the Committee on Regulated Industries)

Extends dates and tax rates for thoroughbred permitholders until July 1, 2001. Provides tax reductions, eliminates tax on free admissions to pari-mutuel facilities, increases additional purse payment requirements, reenacts owner's awards, revises stallion award eligibility, provides for a study of public ownership of Hialeah Race Park.

- Extends current thoroughbred tax periods and penalties for three years. Repeals tax penalty provisions for thoroughbred permitholders operating in multiple periods on July 1, 2001.
- Reduces the tax rate on handle for live racing, ITW, and rebroadcasts of simulcast for Hialeah to .2 percent until July 1, 2001. (Fiscal - approximately \$853,000)
- Reduces live tax rates for Calder, Tropical, and Gulfstream by .25 percent until July 1, 2001. (Fiscal - approximately \$735,000)
- Maintains the current 2.4 percent tax rate for intertrack wagering on rebroadcasts of thoroughbred simulcasts.
- Provides purses for Tampa Bay Downs. (.5 percent tax rate on ITW/ISW with 1.9 percent paid as purses) Fiscal Impact - (\$340,602)
- Removes taxes on free admissions. Fiscal Impact - (\$100,000)
- Allows Calder to retain taxes otherwise due on ITW sent to Hialeah. Requires Calder to pay half of the amount retained from mandated ITW as purses at its facility. Fiscal Impact - (\$452,554)

### **Intertrack Wagering**

- Repeals the mandated ITW from Calder/Tropical to Hialeah on July 1, 2001.
- Requires that a guest track must take ITW on all live thoroughbred races conducted live in the state in order to receive ITW/ISW.

### **Horsemen's Issues**

- Revises standing stallion provisions to allow a horse to be removed from the state under certain conditions and remain eligible for stallion awards.
- Increases current additional thoroughbred purse payment requirements.
- Reenacts Florida Owners' Awards provisions.
- Removes a limitation on the receipt of thoroughbred simulcasts after 10 p.m. Fiscal Impact + \$367,981
- Increases additional thoroughbred purse payments for Calder, Tropical, and Gulfstream horsemen by .25 percent.



## Other

- Conforms the definition of “net proceeds” to include additional purse payments paid to Tampa Bay Downs and amounts retained in the South Florida mandated ITW situation.
- Rewrite of Ocala Breeders’ Sales provisions.
- Study the feasibility of state or municipal ownership of Hialeah Race Park to be conducted by the Department of State in conjunction with Hialeah Mayor’s Office. Fiscal Impact - (\$185,000)
- Repeals provisions relating to a racing laboratory at horse racetrack facilities and backside medical & health benefits.

Fiscal Impact - (\$2.5 M) Not inclusive of the fiscal impact described in the Fiscal Note below.

Fiscal Note: This bill maintains lowered tax rates for thoroughbred permitholders. This provision has no impact on currently collected taxes; rather, it eliminates an increase in tax rates by removing a repeal of the current, lower tax rates scheduled for July 1, 1998.

The Division of Pari-Mutuel Wagering of the Department of Business and Professional Regulation reports that the result of not allowing the tax rates to increase on July 1, 1998, will result in a loss to the state of \$4.4 million per fiscal year (if rates were to rise to those in effect immediately prior to the passage of the 1996 legislation - three tax periods). If the rates were to rise to those in effect prior to the 1996 legislation (3.3 percent tax on all thoroughbred permitholders), the impact would be \$8 million. These fiscal impacts are in addition to those stated above which are attributable to the other provisions of this bill.

Except as otherwise provided, the act is effective upon becoming law.

### **HB 3769, 1st Engrossed -- Brevard County; Barefoot Bay Recreation District by Rep. Futch (CS/SB 2578 by Committee on Regulated Industries and Sen. Kurth)**

This bill authorizes the Division of Alcoholic Beverages and Tobacco to issue a special alcoholic beverage license, as an exception to general law, to Barefoot Bay Recreation District, a mobile home park recreation district operating in Brevard County.

The effective date of this bill is upon becoming a law.

### **HB 3783, 2nd Engrossed -- Cigarette Tax Collection Trust Fund by Rep. Tamargo and Others (CS/SB 1636 by the Committee on Ways and Means, Sen. Brown-Waite and Others)**

Appropriates a percentage of cigarette excise tax collections, estimated to be approximately \$10.6 million annually, for a period of ten years to the H. Lee Moffitt Cancer Center and Research Institute.

- Appropriates 2.59 percent of the General Revenue portion of cigarette excise tax receipts to

H. Lee Moffitt Cancer Center and Research Institute annually for a period of 10 years.

- Allows funds to be used for constructing, furnishing and equipping a cancer-research facility.
- Allows the issuance of tax-exempt bonds.
- Provides that the Board of Directors of the Moffitt Cancer Center is required to administer the funds, manage the project and provide technical or managerial assistance during construction of the project and, further, that the Board is required to operate the facility when complete.
- Requires cigarette excise tax receipts pledged to the facility to be replaced annually in the General Revenue Trust Fund by the Legislature from tobacco litigation settlement proceeds.

The effective date of this bill is July 1, 1998.

**CS/HB 3787 -- Tobacco Sales**

**by the Committee on Regulated Services, Rep. Morroni and Others** (passed as CS/SB 720, 1st Engrossed, by the Committee on Regulated Industries, Sen. Hargrett and Others)

Repeals language created by Chapter 97-162, Laws of Florida, which created a potential enforcement glitch for the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation and other law enforcement agencies.

- This bill deleted paragraph (e) of s. 569.002(7), F.S., which provided that *any person under the age of 18* does not include a person who *is working in conjunction with a law enforcement agency to test the compliance of dealers with this chapter*. Arguably, this paragraph created a paradox wherein the plain language emancipated a person working with law enforcement from the purchase and possession prohibitions contained in ss. 569.101 and 569.11, F.S. The practical effect of paragraph (e) may have been interpreted to prohibit a law enforcement agency from issuing either a criminal or administrative citation to a vendor due to the vendor's unlawful sale of tobacco to a person under the age of 18 if the underage person was working in conjunction with the law enforcement agency.

The effective date of this bill is upon becoming a law.

**HB 3857, 1st Engrossed -- Orlando-Orange County; Alcoholic Beverage Licenses  
by Rep. Sindler and Others**

This bill repeals a previous special act enacted in 1955 which set a limit on the number of alcoholic beverage licenses which could be issued in the City of Orlando and the unincorporated portion of Orange County which was, at that time, more stringent than the limitation set by general law.

- The repeal of separate quotas for those two areas in Orange County will result in uniformity throughout the county and the ability to transfer or relocate licenses within the county.
- Licensees will still be required to comply with all local ordinances and regulations concerning zoning and hours of operation.

- This new transferability may result in the ability of a licensee to activate a license which is presently in escrow. Overall, however, the possible number of alcoholic beverage licenses issued in Orange County will be diminished.

The effective date of this bill is upon becoming a law.

**HB 4327 -- Hillsborough County; Alcoholic Beverage License  
by Rep. Crist and Others** (passed as SB 1520 by Sen. Lee and Others)

This bill authorizes the Division of Alcoholic Beverages and Tobacco to issue a special alcoholic beverage license, as an exception to general law, to the Museum of Science and Industry Foundation, Inc., a non-profit 501(c)(3) organization, located in Hillsborough County.

The effective date of this bill is upon becoming a law.

## **COMMITTEE ON TOURISM**

### **CS/HB 73 -- Admissions Tax/Sporting Events**

**by the Committee on Tourism and Representative Bradley and others (SB 612 by Senator Crist)**

Provides an exemption from sales tax on admissions to any semifinal or championship game of a national collegiate tournament or collegiate post season football game and on admissions to a Major League Baseball all-star game. The fiscal impact of the exemption is discussed below.

- Estimated reduction in General Revenue Fund receipts by (\$0.2) million in FY 1998-99 and in local government receipts by an insignificant negative amount. Estimated insignificant negative impact on Solid Waste Management Trust Fund receipts in FY 1998-99. [The Revenue Estimating Conference has provided an estimate of (\$.1) million for the Car Quest Bowl and (\$.25) million the 2000 Baseball All-Star Game. Projected negative impacts on local government receipts and the Solid Waste Management Trust Fund were insignificant.]
- Reported tax payments for the Car Quest Bowl have been between \$50,000 and \$100,000 annually. Other post season collegiate football games currently held in Florida have been exempted from admissions tax because the sponsoring organizations hosting these games are not-for-profit, 501(c)(3) organizations.
- Estimated positive fiscal impact, according to the Florida Sports Foundation, to the local economies holding these sporting events is approximately \$100 million in direct revenues and \$40 million in indirect revenues for the 1999 NCAA Men's Final Four Basketball Tournament, and \$80 million in direct revenues and \$20 million in indirect revenues for the 2000 Major League Baseball all-star game. Estimated economic impact derived from the Car Quest bowl is from \$15 to \$40 million annually for the county, according to the Broward Economic Development Council.

The effective date of the bill is upon becoming a law.

### **HB 3689 - Historical Resources**

**by the Committee on Tourism and Representative Barreiro and others (No Senate companion)**

Repeals s. 267.16(4), F.S., that requires the Division of Historical Resources, Department of State, to maintain the Florida Folklife Archives since the Archives, renamed the Florida Folklife Collection, is now housed in the Florida State Archives under the Division of Library and Information Services. Repeals s. 267.162, F.S., that created the Florida Folklife Grant Program which has never been operational. Amends the definition of "historic property" or "historic resource" to clarify that it includes folklife resources.

The effective date of the bill is upon becoming a law.

### **CS/HBs 3691 and 3441 -- Local Option Tourist Taxes**

**by the Committee on Tourism and Representatives Merchant, Melvin and others (passed as SB 884 by Senator Clary)**

Amends s. 125.0104(3)(l), F.S., to remove the requirement that a county must first levy this additional penny for planning and financing the capital costs of a professional sports franchise

facility before any moneys generated under this paragraph can be used for a convention center. A county electing to levy an additional penny under this paragraph is now provided options for the use of the proceeds generated:

- Planning and financing the capital costs of a professional sports franchise facility.
- Payment of the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center and payment of the planning and design costs incurred prior to the issuance of the bonds.
- Payment of operation and maintenance costs of a convention center for a period of up to ten years, if the county has already elected to levy the additional penny for the purpose of planning and financing a convention center.

The effective date of this bill is upon becoming a law.

**HB 3833 -- Tampa Sports Authority**  
**by Representative Tamargo and others** (No Senate companion)

Amends the Tampa Sports Authority special act to add two components to the list of required performance audit components and to clarify a non-exhaustive list of standard procedures used when the Authority contracts for professional services.

The effective date of the bill is upon becoming a law.

**CS/HB 3979 - Properties & Facilities under Division of Historical Resources of Department of State**  
**by the Committee on Tourism and Representative Maygarden** (CS/SB 2132 by Governmental Reform & Oversight & Senator Clary)

Amends three sections of law relating to the rental of or admission fees to facilities and properties under the supervision of the Division of Historical Resources (division) under the Department of State and provides direction as to where such moneys received are to be deposited.

- Amends ss. 266.0015 and 266.0018, F.S., to provide for the deposit of all money received from admissions to and rentals of facilities and properties managed by the Historic Pensacola Preservation Board of Trustees (board) into an account of the board's direct-support organization instead of the Historic Pensacola Preservation Board Operating Trust Fund. This permits these funds to be treated the same as funds generated from other activities of the board and its DSO. By having funds placed in local banks, they will generate interest as of the day of deposit and will increase revenue available to the board and its DSO by \$3,000 to \$5,000 annually. The board will no longer be assessed the service charge to General Revenue that it pays for the state to handle the admissions and rental funds deposited into the Trust Fund. According to the Department of State, the service charge amounts to approximately \$10,500 annually. According to the board, the additional revenues, interest generated by deposit of funds in local banks and removal of need for payment of service charge, will be available for use for the maintenance and repair of the state's 22 historic properties in Pensacola.
- Amends s. 267.17, F.S., to clarify the authority of the Division of Historical Resources of the Department of State and its citizen support organizations to rent facilities and properties under the supervision of the division. Provides that the moneys received from these rentals

may be held in the division's operating trust fund or may be held in a separate depository account in the name of the citizen support organization and subject to the letter of agreement with the division.

The effective date of the bill is upon becoming a law.

### **HB 4063 -- Public Lodging**

**by the Committee on Tourism and Representative Barreiro and others** (CS/SB 1934 by Commerce & Economic Opportunities & Senator Dudley)

Revises provisions in chapter 509, F.S., relating to the regulation of public lodging and food service establishments which include required reports, disposal of abandoned property, and unit rate and availability.

- Expands the time frame which the Division of Hotels and Restaurants of the Department of Business and Professional Regulation has to submit its annual inspection report to the Governor to allow enough time to compile complete information (July 1 to September 30).
- Reduces the amount of time from 90 to 30 days which public lodging or food service establishments must keep property left by guests.
- Revises advertising requirements for transient establishment unit rates and availability to require that if only a limited number of rental units are available in the establishment at the advertised rate that the advertisement must include a telephone number to verify availability.

The effective date of the bill is upon becoming a law.

## **COMMITTEE ON TRANSPORTATION**

### **CS/CS HB 667 -- Motorcycle Safety Education**

**by Finance & Taxation, Governmental Rules & Regulations, Rep. Kelly, and others** (passed as CS/SB 368 by Senate Transportation and Senator Kurth)

- Exempts the \$2.50 Motorcycle Safety Education fee from the 7 percent General Revenue Fund surcharge. The amount exempted from the surcharge would be retained in the Highway Safety Operating Trust Fund and used to administer the Florida Motorcycle Safety Education Program.
- Repeals the \$50 cap on reimbursements to course providers made by the Department of Highway Safety and Motor Vehicles when a student begins the on-cycle portion of the course.

The effective date of this bill is July 1, 1998.

**HB 1017 -- (a) Keep Kids Drug Free License Plates** (passed as SB 282 by Senator Crist) & **(b) Florida Sheriffs Youth Ranches License Plates** (passed as SB 854 by Senator Williams and others)

**by Rep. Bradley and others**

- (a) Requires the Department of Highway Safety and Motor Vehicles to issue a "Keep Kids Drug

Free” license plate. In addition to the usual specialty license plate fees, a \$25 annual use fee will be charged for this new specialty license plate. Proceeds are to be distributed to the Keep Kids Drug-Free Foundation, Inc., and used to reduce substance abuse among Florida residents.

(b) Directs the Department of Highway Safety and Motor Vehicles to develop a “Florida Sheriffs Youth Ranches” specialty license plate. In addition to the usual specialty license plate fees, a \$20 annual use fee will be charged for this new specialty license plate. Proceeds are to be distributed to the Florida Sheriffs Youths Ranches, Inc., to support operations.

The effective date of this bill is July 1, 1998.

#### **CS/HB 1377 -- Motor Vehicle Emissions Inspections**

**by the Committee on Transportation, Rep. Fuller, and others** (CS/CS/SB 374 by Senate Natural Resources, Transportation, Senators Klein and Crist)

Directs the Department of Highway Safety and Motor Vehicles to hire a consultant to develop request-for-proposal specifications for the emissions inspection program.

The specifications would be for both an annual and a biennial inspection program and would exempt the 3 most recent motor vehicle model years from mandatory testing.

The report must be submitted to the Legislature by January 1, 1999.

The bill also prohibits the department from entering into any new motor vehicle emissions testing contract, or extension of an existing contract, without specific legislative approval. If no specific legislation is passed during the 1999 legislative session, the Department is authorized to implement a program in which vehicles over 4 model years old would be inspected every 2 years for hydrocarbon and carbon monoxide emissions. The inspection fee is subject to legislative review if it exceeds the current fee of \$10.

The effective date of this bill is July 1, 1998.

#### **CS/HB 1781-- Choose Life License Plate**

**by the Committee on Transportation, Rep. Feeney and others** (passed as CS/SB 1430 by Senate Transportation, Senator Lee, and others)

Requires the Department of Highway Safety and Motor Vehicles to issue a “Choose Life” license plate. In addition to the usual specialty license plate fees, a \$20 annual use fee will be charged for this new specialty license plate. Proceeds are to be distributed to counties, who in turn will distribute the funds to nongovernmental, not-for-profit agencies. The proceeds are to be used for counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption.

The effective date of this bill is July 1, 1998.

#### **HB 3273 Conserve Wildlife License Plate**

**by Rep. Merchant and others** (SB 464 by Senators Crist and Latvala)

Requires the Department of Highway Safety and Motor Vehicles to issue a “Conserve Wildlife” license plate. In addition to the usual specialty license plate fees, a \$15 annual use fee will be charged for this new specialty license plate. Proceeds are to be used for Florida Game and Fresh Water Fish Commission programs and activities that contribute to the health and well-being of Florida black bears and other wildlife diversity.

The effective date of this bill is July 1, 1998.

**CS/HB 3337 -- Road & Building Designations**  
**by Committee on Transportation and Rep. Morse and others;**  
**CS/HB 3629 -- Road Designations**  
**by the Committee on Transportation and Rep. Ball and others;**  
**HB 3789 -- Bridge Designation by Rep. Betancourt;**  
**HB 4457 -- Road Designation by Rep. King and others; and**  
**HB 4537 -- Road Designation by Rep. Rojas**  
(All passed as part of CS/SB 1014 by Senate Transportation and Senator Gutman)

This bill designates the following public facilities:

- The "Marlins Expressway" in Dade County.
- The "Pat Thomas Parkway" in Gadsden County.
- The "Kennedy Space Center Highway" in Brevard County.
- The "James Henry Mills Medal of Honor Parkway" in Polk County.
- "Zuly Reyes Road" in Miami Lakes.
- The "Deputy Lonnie Coburn Memorial Highway" in Hernando County.
- The "Trooper Robert G. Smith Bridge" in Dade County.
- The "Ronald Reagan Turnpike".
- The "Pete Peterson Parkway" in Jackson County.
- "Cecil G. Costin, Sr. Boulevard" in Port St. Joe.
- "Ofelia Perez-Roura Memorial Way" in Miami.
- "Lincoln-Marti Boulevard" in Miami.
- The "Richard G. Skinner, Jr., M.D., Children's Medical Services Building" in Jacksonville.
- The "Don Sutton Memorial Highway" in Escambia County.
- The "Amadeo Trinchitella Health Clinic" in Deerfield Beach.
- The "I.A. 'MAC' Mascioli Education Wing" at Florida Atlantic University.

The effective date of this bill is on becoming law.

**HB 3509 -- Specialty License Plate Requirements**  
**by Rep. Constantine and others (SB 1250 by Senator Burt)**

Amends application and sales requirements for motor vehicle specialty license plates by:

- Deleting the requirement that 10,000 signatures be submitted as part of the application process. In lieu of the signatures, the results of a scientific sample survey must be submitted as part of the application process in order to better gauge potential interest and sales. The survey results must indicate that at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased cost.
- Increasing the maximum amount the Department of Highway Safety and Motor Vehicles *may* charge for the application fee, from \$30,000 to \$60,000.
- Revising requirements for discontinuing low selling specialty plates. Instead of discontinuing specialty plates whose sales are insufficient to cover the Department's costs, the bill requires that a specialty license plate be discontinued if less than 8,000 plates are



issued by the 5th year of sales. The sales requirements for discontinuing a specialty license plate do not apply to collegiate specialty plates.

- Requiring the Department to discontinue distributing specialty plate proceeds to an organization if an audit or expenditure report is not submitted or if the funds are not properly spent. If the organization fails to comply within 12 months, proceeds from that specialty plate are deposited into the Highway Safety Operating Trust Fund and used to offset DHS&MV's costs related to specialty license plates.
- Establishing requirements for organizations seeking to establish a voluntary contribution on a motor vehicle registration or driver's license form and provides criteria for the discontinuance of an approved voluntary contribution. The bill establishes audit and accountability requirements for organizations receiving funds through voluntary contributions.

The effective date of this bill is on becoming a law.

**HB 3525 -- Everglades River of Grass License Plate**  
**by Representative Crow and others** (passed as SB 790 by Senators Crist and Latvala)

Directs the Department of Highway Safety and Motor Vehicles to issue "Everglades River of Grass" license plates. In addition to the usual specialty license plate fees, a \$20 annual use fee will be charged for this new specialty license plate. Proceeds are to be distributed to the Everglades Trust Fund, administered by the South Florida Water Management District, for the purpose of conservation and protection of natural resources and abatement of water pollution in the Everglades.

The effective date of this bill is July 1, 1998.

**HB 3903 -- Old Keys Bridges in Monroe County**  
**By Rep. Horan** (passed as SB 1750 by Senator Jones)

This bill amends chapter 86-304, Laws of Florida, to implement the recommendations of the Governor's Old Keys Bridges Task Force:

- The bill clarifies that title to the Old Keys Bridges is given to the Board of Trustees of the Internal Improvement Trust Fund, except the portion of the Seven Mile Bridge from Knights Key to Pigeon Key, which remains with the Department of Transportation.
- The bill allows the Trustees to lease the bridges primarily for public purposes and in compliance with the recommendations of the task force, the local comprehensive plan, and applicable zoning requirements.

The effective date of this bill is July 1, 1998.

**CS/HB 3983 -- Disabled Persons/Motor Vehicle Use**

**by the Committee on Transportation, Rep. Jacobs and others** (passed as CS/SB 1498 by Senate Transportation, Senator Forman, and others)

The bill contains the following provisions relating to accessible parking for persons with disabilities:

- Authorizes out-of-state physicians to certify patients as disabled on the Florida disabled parking permit application.
- Provides that permanently disabled persons are not required to be recertified as being disabled when renewing their parking permit.
- Makes several changes to the enforcement of accessible parking laws, including authorizing law enforcement officers to confiscate a parking placard that is expired, defaced, reported lost or stolen, or does not display a personal identification number.
- Authorizes a motor vehicle owner or lessee who qualifies for a disabled parking permit to be issued an international wheelchair user symbol license plate which entitles them to all the privileges afforded to a disabled parking permit holder.

Except as otherwise provided in the act, the effective date of this bill is July 1, 1998.

**HB 4041 -- Protect Wild Dolphins License Plate**

**by Rep. Minton and others** (passed as SB 1306 by Senator Kurth)

Requires the Department of Highway Safety and Motor Vehicles to issue a “Protect Wild Dolphins” license plate. In addition to the usual specialty license plate fees, a \$20 annual use fee will be charged for this new specialty license plate. Proceeds are to be distributed to the Harbor Branch Oceanographic Institution, Inc., to fund wild dolphins related research.

The effective date of this bill is July 1, 1998.

**CS/HB 4071 -- Environmental Mitigation**

**by the Committee on Transportation and Rep. Betancourt** (CS/SB 986 by Senate Natural Resources and Senator Bronson)

This bill changes a number of provisions related to environmental protection. Primarily, the bill modifies the program that allows the Department of Transportation (DOT) and the Department of Environmental Protection (DEP) to mitigate the impacts of DOT projects to wetlands and other habitats. The bill contains provisions which:

- Clarifies and prioritizes the spending of DOT mitigation funds. Provides that the \$12 million transferred in 1996 from the DOT to DEP for surface water and wetland management purposes will remain available for mitigation credit through fiscal year 2004-05. Authorizes water management districts (WMDs) to use a portion of the mitigation funds to pay for development of mitigation plans.
- Allows DEP and WMDs to modify mitigation plans throughout the year to accommodate changes in project schedules or minor projects.
- Clarifies the process for determining the environmental feasibility of turnpike projects for

which DOT is acquiring rights-of-way under its advanced acquisition program.

- Repeals the requirement that startup funding for the state NPDES (National Pollutant Discharge Elimination System) Program be repaid to the Pollution Recovery Trust Fund.
- Provides for a mitigation fee of 5 cents per ton to be imposed on limerock and sand mining in the Dade County Lake Belt. The fee is imposed effective October 1, 1998, and will be adjusted annually based on a cost-growth index. The Department of Revenue will be responsible for the administration and collection of the mitigation fee. All fee proceeds must be used by the South Florida Water Management District to conduct mitigation activities.
- Provides for certifying the location of wetland delineation determinations.
- Specifically authorizes the South Florida Water Management District to acquire lands by eminent domain for the Kissimmee River Project and the C-111 Project. It allows for the exercise of eminent domain pursuant to federal law so long as no right, privilege, or compensation an individual or entity would otherwise have under state law is diminished.
- Provides that suits against DOT may be brought on any claim under contract for work done based on an express provision or implied covenant of a written agreement, except that no claim may be based on oral modification of a written contract or agreement.

The effective date of this bill is on becoming law.

#### **HB 4083 -- Barry University License Plates**

**by Rep. Roberts-Burke** (passed as SB 1266 by Senator Forman and others)

Requires the Department of Highway Safety and Motor Vehicles to issue a “Barry University” license plate. In addition to the usual specialty license plate fees, a \$25 annual use fee will be charged for this new specialty license plate. Proceeds from the license plate are to be distributed to the Barry University Alumni Endowed Scholarship Fund.

The effective date of this bill is July 1, 1998.

#### **CS/SB 846 -- DOT Rules Authorization Bill (RAB)**

**By Senate Transportation and Senator Hargrett** (No House companion)

This bill provided specific statutory authority for existing Department of Transportation rules related to:

- Regulating storm water runoff on the state’s right-of-way as a result of man-made changes to adjacent properties.
- Denying or suspending a professional consultant from consideration for a professional services contract.
- Denying or suspending the certification of a disadvantaged business enterprise.

The effective date of this bill is on becoming law.

#### **CS/SB 1710 -- Central Florida Regional Transportation Authority Rules Authorization Bill**

**(RAB)**

**By Senate Transportation and Senator Dyer** (No House companion)

This bill provided specific statutory authority for existing rules of the Central Florida Regional Transportation Authority related to employing staff and consultants, and to establishing a personnel system for employees of the authority.

The effective date of this bill is on becoming law.

## COMMITTEE ON UTILITIES AND COMMUNICATIONS

### **HB 791 - Municipal Water and Sewer Utilities**

**by Rep. Heyman (SB 370 by Senator Silver) (Chapter 98-15, Laws of Florida)**

Eliminates limitations on municipal water and sewer utility rates charged outside the boundaries of certain municipalities in home rule charter counties.

- Repeals exemption from limitation on fees and surcharges utility may charge consumers outside the city limits.
- Allows a municipal utility, subject to section 180.191(1), F.S., to add a surcharge on the fees of consumers outside the city limits.

The effective date of this bill is upon becoming a law. This bill became law without the Governor's signature on April 22, 1998.

### **CS/HB 3291 -- Use of Rights-of-Way by Telecommunications Companies**

**by the Committee on Utilities & Communications, Rep. Valdes and others** (passed as CS/CS/SB 1704 by Senate Regulated Industries, Community Affairs, Senator Bronson and others)

Clarifies the authority of local governmental entities in relation to telecommunications companies which occupy rights-of-way by amending s. 337.401, F.S.

- Provides that charges and fees imposed by a municipality on telecommunications companies are limited to those authorized by the Legislature. Municipalities are prohibited from *requiring* or *soliciting* in-kind compensation in lieu of fees. Existing ordinances and agreements providing for in-kind compensation are "grand fathered."
- Provides that local governmental authority over rights-of-way cannot be used as a basis for asserting *regulatory* control over telecommunications companies.
- Provides that telecommunications companies that are lawfully occupying roads of an incorporated city or town on the effective date of the act are not required to obtain additional consent from the city or town; however, the city or town can impose fees and adopt reasonable rules and regulations.
- Provides that the tax authority of local governments pursuant to s. 166.231, F. S., and the duties of a telecommunications provider pursuant to ss. 337.402-404, F. S., are not modified. Private property, building permits and pole attachments are not affected. Except as expressly provided, the powers counties may have relating to roads and rights-of-way are neither expanded nor limited. Local governmental authority to impose fees under specified federal law is not limited.
- Updates terminology and definitions.

The effective date of this bill is upon becoming a law.

### **HB 4785 -- An Act Relating to Telecommunications Services**

**by the Committee on Utilities and Telecommunications Committee and Rep. Arnall (CS/SB 640 by the Senate Regulated Industries Committee)**

Addresses numerous issues associated with the competitive telecommunications market as follows:

- Requires the Public Service Commission to determine and report to the Legislature by February 15, 1999, the total forward-looking costs on a geographic basis of providing basic local services and the amount of support required for low-income customers (information the Legislature can use to enact a permanent universal service mechanism).
- Requires the Public Service Commission to study and report to the Legislature by February 15, 1999, the relationships among the costs and charges for residential basic local service, intrastate access, and other services; the commission is also to report its conclusions from a study regarding the fair and reasonable residential basic local service rate.
- Requires local exchange companies to discount the cost of basic local service for former Lifeline subscribers by 30 percent for a period of one year after they leave Lifeline service.
- Extends the intrastate switched access rate caps for local exchange companies. Requires intrastate switched access charge reductions for Sprint and GTE of 5 percent by July 1, 1998, and 10 percent by October 1, 1998, and requires long distance companies to pass the benefits of all reductions on to their residential and business customers (estimated to result in a total reduction of more than \$50 million).
- Requires the commission to study issues associated with telecommunications companies serving customers in multi-tenant environments, and to report its conclusions and policy recommendations to the Legislature by February 15, 1999.
- Creates the “Telecommunications Consumer Protection Act” to require the commission to adopt rules to prevent “slamming” and establish guidelines for telecommunications billing practices, including resolving unauthorized charges known as “cramming.”
- Extends caps on basic local service for GTE, Sprint, and price-regulated small local exchange companies from January 1, 1999, to January 1, 2000. (*Note:* BellSouth’s basic rates are capped until January 1, 2001, under current law.) Extends caps on multi-line business local service and Suncom for all companies from January 1, 1999, to January 1, 2000.
- Requires local exchange companies to provide services for resale by competitors (and necessary support services) in a timely manner. The commission is to maintain a file of all complaints by competitors against incumbent local exchange companies relating to providing services for resale and unbundled services. The commission is required to include this information in its annual report on competition.
- Corrects several “glitches” from the 1995 rewrite of chapter 364, F. S.
- Provides for an appropriation of \$1,200,000 from the industry-funded regulatory trust fund.

The effective date of this bill is upon becoming a law except as otherwise provided.

**CS/SB 1052 -- Public Service Commission Rulemaking Authority (RAB) by Senate Committee on Regulated Industries and Senator Lee (Chapter 98-42, Laws of Florida)**

This bill granted rulemaking authority to the Public Service Commission pursuant to the 1996 Amendments to the Florida Administrative Procedures Act (APA).

- Authorizes the commission to adopt procedures and rules for purchases of commodities and services.
- Requires a water and wastewater utility to own or possess the continued use of the land for its treatment facilities. It authorizes the commission to adopt rules in accordance with this section.
- Requires a water and wastewater utility to notify the commission and its customers before changing its name. It authorizes the commission to adopt rules for such notice.

The effective date of this bill is upon becoming a law. This bill became law without the Governor's signature on April 30, 1998.

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**HOUSE OF REPRESENTATIVES  
FISCAL RESPONSIBILITY COUNCIL  
1998 SESSION REPORT**

**Committee on Education Appropriations**

**1ST ENG/HB 4837 - Education by the Committee on Education Appropriations and Rep. Sublette**

The bill:

- amends provisions regarding public school funding, school improvement and accountability, teacher certification, professional development, and recognition of educators in the following ways:
  - Revises the procedure to calculate funding for students enrolled in group 2 of the Florida Education Finance Program by providing a weight of 1.0 for students over the cap through a supplemental capping calculation. (Exceptional Student Education provision)
  - Removes the requirement that school advisory councils of vocational-technical and adult education centers include parents as members.
  - Amends Goal 6 of the state system of school improvement and education accountability to require postsecondary institutions, in addition to schools and districts, to ensure professional teachers and staff.
  - Establishes clear authority for the State Board to designate certification subject areas and establish competencies and certification requirements for all school-based personnel.
  - For temporary teaching certificates, provides acceptance of credit towards a bachelor's or higher degree from Florida institutions of higher learning which are in the process of becoming accredited. Requires a process to be established for foreign and other institutions which are becoming accredited.
  - Removes the authority of school districts to employ noncertificated teachers in areas determined by the school board to be areas of critical teacher shortage.
  - More narrowly defines existing rulemaking authority to specify that the Education Practices Commission has the authority "to establish procedures for operations and administration, disciplinary proceedings, indexing, implementation of orders, and retention of records, and to establish disciplinary guidelines."
  - Authorizes the clerk of the Education Practices Commission to issue an "order to show cause" when an educator violates conditions of his or her probation or settlement agreement enforced by a final order of the commission.
- Requires the professional development system in each district to provide

training activities *and* follow-up support. The assessment of the effectiveness of the professional development system must assess the progress or lack of progress of *all* students, rather than certain groups of students.

- Repeals s. 231.613, F.S., relating to inservice training institutes.
- Clarifies that the Department of Education will develop and annually distribute the application and selection criteria for the Teacher of the Year program.
- Creates the Florida Educator Hall of Fame and provides for the design, nominations, recommendations, and selection of members.
- Creates two new divisions within the Department of Education
- Authorizes the Commissioner of Education to establish criteria that would exempt students who have successfully demonstrated proficiency in reading or math from the corresponding section of the High School Competency Test (HSCT) or the College Placement Test (CPT).
- Authorizes “deregulated public school” pilot programs in 6 districts (Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus) that would permit a maximum of 6 deregulated schools (2 elementary, 2 middle, and 2 high schools) in each of the 6 districts during the 1998-1999 school year.

**VOTE:**      **House      112 YEAS, 3 NAYS**  
                 **Senate      39 YEAS, 0 NAYS**

### **Committee on Finance And Taxation**

#### **CS/1ST ENG/HB 3171 - Sales and Use Tax by the Committee on Finance and Taxation, Rep. Starks, and others:**

The bill:

- Provides a sales and use tax exemption for replacement engines, parts, equipment, and labor charges used in the repair or maintenance of aircraft of more than 15,000 pounds maximum certified takeoff weight and rotary wing aircraft of more than 10,000 pounds maximum certified takeoff weight when such parts or equipment are installed on aircraft that are being repaired or maintained in this state.
- Provides a sales and use tax exemption for the sale or lease of an aircraft of more than 15,000 certified takeoff weight for use as a common carrier.
- **FISCAL IMPACT:** The total estimated fiscal impact upon General Revenue is (\$4.4) million for FY 98-99 and (\$4.9) million for FY 99-2000. There will be an insignificant impact on the Solid Waste Management Trust Fund. The estimated fiscal impact upon local governments is (\$.5) million for FY 98-99 and (\$0.6) million for FY 99-2000.

**VOTE:**      **House      116 YEAS, 3 NAYS**  
                 **Senate      37 YEAS, 0 NAYS**

**CS/HB 3395 - Tax/Nonprofit/Religious Institutions by Rep. Starks and others**

- Revises the definition of definition of “religious institutions” that are exempt from sales tax to include the following:
  - Any nonprofit 501(c)(3) corporation whose primary function is to make and distribute religious audio recordings to blind or visually impaired persons at no charge; and
  - Any nonprofit 501(c)(3) corporation whose primary function is to provide, upon invitation, religious or evangelistic services, religious education, or missionary activities for churches, synagogues, or other established places of worship.
- Provides a one-time appropriation in the amount of \$26,224 from the General Revenue Fund to the Bureau of Blind Services of the Department of Labor and Employment Security for completing the automation of the Talking Book Library.
- The effective date of this act is July 1 of the year in which enacted.
- FISCAL IMPACT: There is a negative fiscal impact of \$.5 million to General Revenue in FY 98-99 and \$.6 million in FY 99-00. There is a negative insignificant impact to local government and the Solid Waste Management Trust Fund for both FY 98-99 and FY 99-00.

**VOTE:**        **House**        **117 YEAS, 0 NAYS**  
                  **Senate**        **39 YEAS, 0 NAYS**

**HB 4225 (passed as SB 2222) - Changes to the Administration of Ad Valorem Taxation by Rep. Carlton and others**

Provides for a number of changes to the administration of ad valorem taxation. These changes:

- Allow property appraisers to correct a material mistake of fact in an appraisal, for a period of one year subsequent to the approval of the tax roll, and directly submit the correction and refund order to the tax collector.
- Allow county tax collectors to implement an installment payment program for delinquent personal property taxes. If implemented, the program must be available to each delinquent personal property taxpayer whose delinquent taxes exceed \$1,000.
- Make several changes to interest rates for tax certificates.
- Prohibit tax certificate holders from demanding payment of property owners, provide that the Tax Collector may refuse future bids from persons making such contact, and state that unfair or deceptive contact by a certificate holder is actionable under sections 501.2075 through 501.211, Florida Statutes.
- Permit the collecting entity of counties self-administering the tourist development tax to use the same authority and procedures for garnishment as the Department of Revenue.

- Revise the TRIM notice to include both proposed and adopted special assessments.
- Provide authority for municipalities to exempt from special assessments levied to fund emergency medical services “governmentally financed, insured, or subsidized housing facilities” for the elderly.
- **FISCAL IMPACT:** This bill is expected to have an insignificant effect upon local revenues. There will be no impact to either general revenue or trust funds.

**VOTE:**

<b>House</b>	<b>117 YEAS</b>	<b>0 NAYS</b>
<b>Senate</b>	<b>39 YEAS</b>	<b>0 NAYS</b>

**CS/1ST ENG/HB 4413 - Tax Administration by General Government  
Appropriations, Committee on Finance and Taxation, Rep. Starks, and others.  
(See also HB 4779)**

The bill:

- Provides an effect date to amendments made in 1997 to s. 199.001, F.S., involving the ad valorem taxation of computer software.
- Requires certain financial institutions to file intangible tax returns on machine-sensible media.
- Deletes a reporting requirement for persons who sell to vending machine operators.
- Provides that changes to discretionary sales surtaxes must take effect on January 1.
- Corrects the definition of “new business” for the Urban-Rural Area Job Tax Credit Program.
- Updates the confidentiality provision pertaining to taxpayer records by deleting obsolete references and updating cross-references.
- Provides that participants in the RISE program may provide information quarterly rather than monthly under certain circumstances.
- Increases the compromise authority of the Executive Director of the Department of Revenue and allows the compromise of penalty and interest for a taxpayer who voluntarily self-discloses a tax liability.
- Removes an unnecessary requirement for the contract audit program.
- Expands the Department of Revenue’s authority to freeze assets prior to garnishment proceedings and provides enforcement measures for failure to comply with a freeze notice.
- Incorporates the Internal Revenue Code into Florida law.
- Provides that a “qualified subchapter S subsidiary,” as defined by the Internal Revenue Service Code, shall not be treated as a separate corporation or entity from the S corporation parent to which the subsidiary’s assets, liabilities, income, deductions, and credits are attributed.
- Requires qualified subchapter S subsidiaries to file an information return with the Department of Revenue.
- Provides that purchases of shop supplies by businesses which repair vehicles, airplanes, and boats are deemed purchased for resale, if such supplies are incorporated into the tangible personal property.
- Provides that vehicles loaned by a dealer to a person are subject to use tax based on the IRS auto annual lease table value.
- Exempts from sales tax and rental car surcharge the loan of a replacement vehicle to a person, if the person’s vehicle is being repaired or serviced by the entity which loaned the replacement vehicle.
- **FISCAL IMPACT:** The total estimated fiscal impact upon General Revenue is (\$0.3) million for FY 98-99 and (\$0.3) million for FY 99-2000. The estimated fiscal impact upon state trust funds is

(\$.2) million for FY 98-99 and (\$0.2) million for FY 99-2000. There will be an insignificant impact on local governments. The bill also has an indeterminate positive nonrecurring impact to local governments and an indeterminate impact to general revenue.

**VOTE:**        **House**        **118 YEAS, 0 NAYS**  
                 **Senate**       **40 YEAS, 0 NAYS**

**Committee on General Government Appropriations**

**HB 4255 (passed as CS/SB 1748) - Ad Valorem Assessment by the Committee on General Government Appropriations and Rep. K. Pruitt:**

The bill:

- Amends prerequisites for excluding the assessed value of property that is subject to litigation in the computation of district required local effort for the Florida Education Finance Program (FEFP). Provides that if 6 percent of the nonexempt assessment roll, instead of 10 percent of the nonexempt assessment roll, is the subject of litigation then that assessed value shall be excluded in the FEFP local effort calculation.
- Establishes a special distribution to cities and counties from the Local Government Half-Cent Sales Tax Clearing Trust Fund. In the event an action to contest a property tax assessment results in a difference between the property appraiser's assessment and the good faith payment by the taxpayer of greater than 6 percent, the local government is eligible for a loan from the Trust Fund of 95 percent of the difference between the good faith payment by the taxpayer and the taxes that would have been paid on the property appraiser's tax assessment.

**VOTE:**        **Senate -- 36 YEAS, 0 NAYS**  
                 **House -- 117 YEAS, 0 NAYS**

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## House of Representatives

# **GOVERNMENT SERVICES COUNCIL**

## **1998 SESSION REPORT**

### **Committee on Children and Family Empowerment**

#### **CS/HB 105 -- Surplus Food Distribution**

**by the Committee on Children and Family Empowerment and Rep. Jones** (CS/SB 466 by Senate Commerce and Economic Opportunities and Senator Crist)

- Encourages the donation, collection and delivery of surplus food to charitable or nonprofit organizations for distribution to persons who are in need of food.
- Creates subsection (6) of s. 570.0725, F.S., to provide intent language to encourage the donation of surplus food to charitable or nonprofit organizations.
- Requires that a donor of surplus or excess canned or perishable food make every reasonable effort to contact charitable or nonprofit organizations in the community to allow those organizations to collect the surplus food.
- Requires that a charitable or nonprofit organization which provides food for persons who are in need of food makes every reasonable effort to contact any donors for the purpose of collecting any surplus or excess canned food or perishable food.
- Amends s. 381.0072 and s. 509.032 to require the Department of Health to develop and provide each food service establishment with a food recovery brochure.

The effective date of this bill is upon becoming a law.

#### **CS/HB 193 -- Corporate Income Tax Credits/Child Care**

**by the Committee on Finance & Taxation and Rep. Lynn** (SB 1608 by Senate Ways and Means and Senator Harris)

- Provides credits against corporate income tax and insurance premium taxes for child care facility startup costs and operation, and for payment of employee's child care costs.
- Requires recipient to refund portion of tax credits received under certain conditions.
- Provides for administration by the Department of Revenue.

The effective date of this bill is December 31, 1998.



**CS/CS/HB 271 -- Public Assistance/Drug Testing**  
**by the Committee on Health & Human Services Appropriations, the Committee on Children & Family Empowerment, Rep. Arnall and others (CS/SB 2172 by Senate Children, Families, and Seniors and Senator Holzendorf)**

- Provides for demonstration projects to be implemented which require drug screening & possibly drug testing for individuals who apply for temporary assistance or services under WAGES Act.
- Provides procedures for screening, testing, retesting, and appeal of test results.
- Requires the Department of Children and Family Services to provide for substance abuse treatment programs.

Provides for improvements to child support enforcement, as follows;

- Fee for Liens on Motor Vehicles - Reduces the fee Department of Revenue (DOR) pays for placing a lien on a motor vehicle from \$28.25 for first liens and \$29.25 for subsequent liens to a flat fee of \$7.00.
- Delegation of Lien Authority - Allows the director of the Child Support Program to delegate authority to place a lien on a motor vehicle or vessel to appropriate staff.
- Abandoned Property - Allows DOR to identify persons owing child support who have abandoned property with the Department of Banking and Finance and to request transfer of that property to DOR for child support obligations once the claim has been approved.
- Foreclosure - Eliminates the requirement for Child Support Enforcement to file an Answer to the Complaint to Foreclose but allows the department to retain the right to participate in disbursement of funds.
- Multiple Income Deduction Priority to Current Support - Requires current support to be given priority in cases where more than one income deduction order exists and collection is insufficient to satisfy all obligations.
- Multiple Income Deduction Allocation - Eliminates an unnecessary requirement and clarifies instructions to employers regarding allocation of income deduction amounts when there is more than one obligation for an employee.
- State Disbursement Unit - Establishes the State Disbursement Unit as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).
- Distribution of Child Support - Specifies that child support will be distributed in accordance with federal requirements.
- Federal Technical Amendments - Changes state law to include federal technical amendments to PRWORA.

The effective date of this bill is October 1, 1998.

**CS/CS/HB 1849 -- Public Records/Child Care Facilities**

**by the Committee on Governmental Operations, the Committee on Children and Family Empowerment, Reps. Murman and Lacasa (SB 108 by Senator Hargrett) Chapter No. 98-29 LOF.**

- Creates a public records exemption for certain information contained in a family foster home licensing file. A family foster home licensing file held by the Department of Children and Family Services is a public record.
- Includes a statement of public necessity justifying the public records exemption. A statement of public necessity is required pursuant to s. 24(c), Art. I, Fla. Const.

The effective date of this bill is upon becoming a law.

**HB 1991 -- Mental Health/Children & Adolescents  
by the Committee on Children & Family Empowerment, Reps. Lacasa and Eggelletion (CS/SB 236 by Senate Children, Families and Seniors and Senator Cowin) Chapter No. 98-5 LOF.**

- Eliminates a very limited and obsolete statutory framework in Chapter 394, Part III, F.S., established in 1978 that provided the structure for limited children's mental health services.
- Rewrites Part III of Chapter 394 to create a children's mental health system of care consisting of the following elements:
  - Guiding principles
  - Target priority groups eligible for services
  - General performance outcomes
  - Information and referral process
  - Screening, assessment, and uniform standards
  - Assessment services
  - Services planning
  - Services plan and case management
  - The services that should be available in the children's mental health system of care.
- Allows for the implementation of pilot projects to test various service delivery models.

The effective date of this bill is July 1, 1998.

**HB 2019 -- Children and Family Services/Contracting**  
**by the Committee on Children & Family Empowerment, Reps. Lacasa and Wallace**  
(CS/1st Eng/SB 156 by Senate Governmental Reform and Oversight) **Chapter No.**  
**98-25 LOF.**

- Amends s. 20.19, F.S., to change the way the Department of Children and Family Services procures contract for services, conducts contract negotiations, and monitors and evaluates elements of the contract management process.
- Requires the department to competitively procure any contract for client services under any of the following circumstances:
- Fails to meet cost and performance standards established by the department.
- Authorizes and funds new programs or services and the annual contract value is \$300,000 or more.
- Expands service based on an increased appropriation of more than ten percent of the prior year appropriation for that program or service and the annual value of the contract is \$300,000 or more.
- Exceeds \$500,000 if the contract has been with the same service provider for three years or more.
- Requires the Office of Standards and Evaluation in the Department of Children and Family Services is required to evaluate and report annually to the Legislature on a variety of issues specifically related to client services and contracting.

The effective date of this bill is January 1, 1998, except as otherwise provided.

**CS/HB 3391 -- Protection/Public Assistance Victims**  
**by the Committee on Children & Family Empowerment, Reps. Turnbull and others**  
(Passed as SB 1114 by Senate Ways and Means, Senators Mackay and Latvala)

- Provides protection for victims of domestic violence who participate in the WAGES program.
- Defines "domestic violence" for purposes of specified provisions related to temporary family assistance.
- Prescribes responsibilities of local WAGES coalition & WAGES Program State Board of Directors regarding the development of plans for victims of domestic violence.
- Provides exceptions and exemptions from work participation, limits on eligibility for three years of benefits, limits on benefits for additional children born to WAGES participants, and child support enforcement cooperation for victims of domestic violence under certain circumstances, etc.

The effective date of this bill is July 1, 1998.

**HB 3727 -- Child Care Executive Partnership**

**by Rep. Brennan** (Passed as CS/SB 2092 by Children, Families and Seniors and Senator Dyer)

- Renames the Child Care Partnership Act as the Child Care Executive Partnership Act and makes the following changes:
- Changes the composition of the partnership board
- Requires the Legislature to annually review the effectiveness of the child care purchasing pool program
- Authorizes the state resource and referral agency to administer the child care purchasing pool funds for statewide businesses
- Provides for the development of procedures for disbursement of funds through the child care purchasing pools
- Deletes all references to pilot child care purchasing pools
- Revises parent fee requirements

The effective date of this bill is upon becoming law.

#### **HB 3765 -- Child Care Facilities/Transient**

**by the Committee on Children & Family Empowerment and Rep. Sindler** (Passed as CS/SB 2092 by Children, Families and Seniors and Senator Dyer)

- Excludes from the definition of "child care facility" and thus from meeting licensing requirements under s. 402.305, F.S., operators of transient establishments licensed under Chapter 509, F.S., that provide child care services solely for their guests of their establishment or resort, provided all child care personnel of the establishment meet level two screening requirements of Chapter 435, F.S. Presently, the statute does not exempt lodging, or transient establishments providing child care for their guests, from licensure.
- Requires the Department of Children & Family Services to adopt rules to establish minimum standards for child care facilities that recognizes age appropriate standards and to notify parents of the transfer of ownership of a child care facility one week prior to the transfer.
- Requires the department to adopt the State Uniform Building Code for Public Educational Facilities as the standard for child care programs for school-age children operated in a public school.
- Renames the Child Care Partnership Act as the Child Care Executive Partnership Act and makes the following changes:
  - Changes the composition of the partnership board
  - Requires the Legislature annually to review the effectiveness of the child care purchasing pool program
  - The state resource and referral agency is authorized to administer the child care purchasing pool funds for statewide businesses
  - Provides for the development of procedures for disbursement of funds through the child care purchasing pools

- All references to pilot child care purchasing pools are deleted
- Revises parent fee requirements.

The effective date of this bill is upon becoming a law.

**HB 3909 -- State-funded education and care programs for infants and toddlers by Rep. Miller** (Passed as SB 660 by Senator Turner)

- Requires each state-funded education and care program for children from birth to five years of age to provide activities to foster brain development in infants and toddlers.
- Includes classical music and at least 30 minutes of reading to the children each day.
- Provides training for the children's parents, including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of the child's life.
- Contracts for an evaluation of programs to stimulate brain development and submit a report to the Legislature by January 1, 2000.

The effective date of the bill is upon becoming law.

**HB 4007 -- Relative Caretaker Program/CFS Dept. by Reps. Dawson-White and others** (Passed as CS/SB 1540 by Children Families and Seniors and Senator Turner)

- Establishes the Relative-Care giver Program.
- Provides for financial assistance & support services to relatives caring for children placed with them by child protection system
- Provides for rules establishing eligibility guidelines, care giver benefits, & payment schedule.

The effective date of this bill is October 1, 1998.

**HB 4483-- Health & Rehabilitative Services/Name Change by the Committee on Children & Family Empowerment and Rep. Lacasa** (CS/SB 642 by Senate Children, Families and Seniors and Senator Rossin)

- Functions of the former Department of Health and Rehabilitative Services (HRS) are now performed by the Department of Children and Family Services, the Department of Health, the Agency for Health Care Administration, the Department of Juvenile Justice and other departments and agencies. Many sections of Florida Statutes do not reflect these changes and still show HRS as responsible for many functions and activities.
- Directs the Division of Statutory Revision to prepare a reviser's bill that makes necessary technical and conforming changes to sections of Florida Statutes to

- correctly assign functions and activities to the appropriate department or agency.
- Removes inconsistencies, redundancies, and unnecessary repetitions in the Florida Statutes and for otherwise improving their clarity and facilitating their correct and proper interpretation. The only official reviser's bills are those prepared by the Statutory Revision of the Joint Legislative Management Committee under the authority of s. 11.242, Florida Statutes.

**SB 1720 -- CFS Department/Rulemaking Authority  
by Senator Rossin**

- Allows the Department of Children & Family Services to continue its authority in the following areas by authorizing the Department to adopt rules in the following areas:
- Community services and treatment for persons who are developmentally disabled.
- Behavioral programs, certification of behavior analysts, and fees for programs for persons who are developmentally disabled.
- Residential care for psychotic and emotionally disturbed children.
- Operation and administration standards for community alcohol, drug abuse, and mental health services.
- Standards for employee assistance programs for employees of state government, local governments, and private business.
- Medication service providers.
- Optional state supplementation program.
- Hearings and appeals in the area of public assistance.

The effective date of this bill is upon becoming a law.

**SB 1762 -- CFS Department/Rulemaking Authority  
by Senator Rossin**

- Results from the Department of Children and Family Services' review of its rules and enabling law. The Department found that the specific authority for two public assistance-related rules had been repealed. These two rules concern the specific dates on which certain individuals will become eligible for temporary cash assistance or Medicaid coverage and provisions regarding protective payees.
- Allows the Department to continue its authority in this area by placing the provisions of the rules in law.

The effective date of this bill is upon becoming a law.

**Committee on Elder Affairs and Long Term Care**

**CS/CS/HB 1093 -- Taxation of Homes for the Aged**  
**by the Committee on Finance and Taxation, the Committee on Elder Affairs and**  
**Long Term Care, Rep. Crist and others (CS/SB 636 by Senate Ways and Means**  
**Committee and Senator Ostalkiewicz)**

- Provides ad valorem tax exemptions for nonprofit homes for the aged of \$25,000.
- Qualifies each person living in a certified continuing care facility who does not currently qualify to be eligible.
- Mandates as provided by the Florida Constitution and was enacted by a two-thirds vote of both houses of the Legislature as required to bind local governments.

The effective date of this bill is January 1, 1999.

**HB 1705 -- Elders/Access to Courts**  
**by Rep. Peadar and others (SB 838 by Senator Cowin)**

- Provides Legislative findings regarding the need to provide the state's vulnerable elders with access to the Courts.
- Recommends that the judiciary assume a leadership role in removing barriers and enhancing linkages between elders, the courts, and prospective social and legal services.
- Defines the term "elder" and requests that the Judicial Management Council (JMC) or other court committee evaluate how the courts handle cases involving an elder. The designated court committee is requested to submit its findings to the Chief Justice of the Supreme Court, the Governor, the President of the Senate, the Speaker of the House, and the Minority Leaders of the Senate and the House of Representatives. The report is due no later than December 1, 1999.
- Provides staff to the designated court committee, and has a fiscal impact of less than \$50,000 for two years, and the Office reports that they have planned this expenditure into their budget.

The effective date of this bill is July 1, 1998.

**HB 1893 Baldomero State Nursing Home**  
**by Rep. Fasano and others (SB 254 by Senator Latvala)**

- Provides that the state Department of Veteran's Affairs name the nursing home in Land O' Lakes the "Baldomero Lopez State Veterans' Nursing Home."

The effective date of this bill is upon becoming a law.

**CS/HBs 3089 and 171 -- Nursing Facility Personnel Screening**  
**by the Committee on Elder Affairs and Long Term Care, Rep. Brooks and others**  
(CS/CS/SB 208 by Senate Ways and Means Committee, Senate Health Care Committee and Senator Brown-Waite)

- Provides a procedure for hearings and decisions by administrative law judges when the Agency for Health Care Administration seeks to take adverse action on a nursing facility's license.

Establishes requirements and a system for background screening of nursing home personnel.

- Requires as of October 1, 1998 certain nursing home personnel to undergo background screening prior to working directly with residents or having access to their living areas or their funds or personal property.
- Requires the Agency for Health Care Administration to receive and process screening requests for level 1 and level 2 screening, develop a fee schedule, establish and maintain a database of screening results and notify requesting facilities of the results. Persons who have not lived in Florida continuously for the five years prior to the date of the background screening request are required to undergo level 2 screening.
- Provides that employees/applicants are responsible for paying the costs of screening, authorizes the nursing facility to reimburse these costs and provides that the Agency reimburse the facility for allowable costs and that such reimbursement will not be subject to any rate ceilings or payment targets in the Medicaid Reimbursement plan.
- Provides for exemption from disqualification for employment, with the Agency hearing appeals from nonlicensed personnel and the Department of Health hearing appeals from licensed persons.
- Establishes the requirements for rescreening and exemption from such rescreening.
- Provides liability protection for nursing facilities that terminate employees with disqualifying offenses.
- Provides specific rule making authority for both the Agency and the Department of Health.



The effective date of this bill is July 1, 1998.

**CS/CS/HB 3247 -- Forensic Client Services**  
**by the Committee on Family Law and Children, the Committee on Elder Affairs and Long Term Care, and Rep. Argenziano** (Passed as CS/CS/SB 442 by Senate Criminal Justice Committee, Senate Children, Families and Seniors Committee, Senator Campbell and others)

- Reorganizes Chapter 916 relating to forensic services for mentally ill and mentally retarded defendants.
- Reorganizes Chapter 916 relating to forensic services into three Parts:
  - Part I General Provisions
  - Part II Persons with Mental Illness
  - Part III Persons with Mental Retardation or Autism.
- Adds autism to mental retardation as a condition which could be cause for a person to be determined incompetent to proceed.
- Provides the factors which experts must consider when determining incompetence are provided.
- Authorizes the court to order specialized residential or outpatient placement for persons with mental retardation or autism.
- Revises provisions related to the estimated pay for jurors and witnesses to make a technical correction to a reference.

The effective date of this bill is October 1, 1998.

**CS/CS/HB 3387 -- Health Care**  
**by the Committee on Health Care Services, the Committee on Elder Affairs and Long Term Care, Rep. Frankel and others** (SB 1962 by Senator Rossin)

- Designates two additional Memory Disorder Clinics, authorizes an additional specialized long term care project, and establishes a study Panel.
- Amends section 430.502, F.S., to designate additional memory disorder clinics at St. Mary's Medical Center in Palm Beach county and at Tallahassee Memorial Regional Medical Center in Leon county.
- Allows the Department of Elder Affairs (DOEA) to contract for specialized model day care programs in conjunction with any of the designated memory disorder clinics. It removes the mandate to contract for three model day care programs with the clinics.
- Authorizes DOEA to contract for a "Program of All-inclusive Care for the Elderly" (PACE) project. If the recipient of this contract is a nursing home which meets certain standards, the applicant will be exempt from the provisions of chapter 641, F.S., which regulates HMOs.
- Creates a Panel for the study of "end of life care" to be located at the Pepper

The effective date of this bill is July 1, 1998.

**CS/HB 3667 -- Assisted Living Facility Licensure**

**by Committee on Elder Affairs and Long Term Care, Rep. Fischer and others**

(Passed as CS/SB 1960 by Senate Children, Families and Seniors Committee and Senator Rossin)

- Revises and reorganizes chapter 400, Part III related to Assisted Living Facilities (ALFs), Part IV related to Home Health Agencies (HHAs), and Part VII related to Adult Family Care Homes (AFCH).
- Subjects HHAs to disciplinary action for knowingly providing home health services to persons living in an unlicensed ALF or AFCH.
- Increases significantly the fines Agency for Health Care Administration (AHCA) could impose and allows AHCA to charge for investigative visits or surveys occasioned by a complaint. AHCA could in some instances impose doubled fines.
- Revises the time frames within which notice of a transfer of ownership must be made to AHCA.

The effective date of this bill is October 1, 1998.

**CS/HB 4035 -- Adult Family-care Homes**

**by the Committee on Elder Affairs and Long Term Care and Rep. Roberts-Burke**

(CS/SB 1872 by Senate Children, Families and Seniors Committee, Senator Turner and others)

- Amends chapter 400, Part VII, F.S., which governs adult family care homes (AFCH).
- Clarifies that an adult family care home provides housing and personal care in a private home with an individual or family and allows for assistance with the self-administration of medications along with other personal services.
- Requires that AFCHs caring for two or more residents be licensed in contrast to the current standards that require licensure as an AFCH when three or more residents are being cared for.
- Provides certain exemptions to licensure.
- Specifies that providers must meet the requirements of level 1 background screening of section 435.03, F.S.
- Deletes the provision that an unlicensed home cannot hold itself out to the public as a place that provides personal care.
- Allows residents enrolled in hospice to remain in an AFCH when they require 24-hour nursing supervision, if continued residency is acceptable to the resident and to the AFCH.
- Requires that the Department of Elder Affairs (DOEA) and Agency for Health

Care Administration (AHCA) develop minimal and flexible rules and minimize obstacles so as not to inhibit the establishment of adult family care homes.

The effective date of this bill is October 1, 1998.

**HB 4167 -- Adult Abuse, Neglect and Exploitation  
by the Committee on Elder Affairs and Long Term Care Committee, Rep. Brooks  
and others (SB 1188 by Senator Rossin)**

- Amends the Adult Protective Services Act to provide definitions and new procedures for investigations of abuse reports when no second party perpetrator is alleged or determined to be involved.
- Removes from the statute references to "self-neglect" and creates definitions of "disabled adult in need of services" and "elderly person in need of services".
- Provides for the referral of a disabled adult in need of services to the community care for disabled adults program and the referral of an elderly person in need of services to the community care for the elderly program under the Department of Elder Affairs.
- Provides that, in cases determined to be either a disabled adult in need of services or an elderly person in need of services, no classification of the report shall be made in the central abuse registry and tracking system of the Department of Children and Family Services and no notification pursuant to section 415.1055, F.S., shall be required.
- Authorizes the department to retain the records of such reports for up to 1 year.
- Provides that primary consideration shall be given by the community care for the elderly program to referrals by adult protective services of an elderly person in need of services or elderly victims of abuse, neglect, or exploitation who are in need of immediate services to prevent further harm and defines "primary consideration".
- Requires the Office of Program Policy Analysis and Government Responsibility to conduct a review and follow-up study of referrals from the Department of Children and Family Services to the Department of Elder Affairs and of the process used by the Department of Elder Affairs to establish service priorities for and services to these persons. Requires the Office to report to the legislative presiding officers on the review by December 31, 1998 and on the follow-up study by December 31, 2000.
- Establishes requirements and procedures for the Department of Children and Family Services for referring reports of abuse, neglect or exploitation to law enforcement which the department has determined to be false.
- Establishes requirements and procedures for law enforcement agencies for investigating and disposing of alleged false reports of abuse, neglect or exploitation.
- Increases the charge of a false report of abuse, neglect, or exploitation from a second degree misdemeanor to a third degree felony.
- Requires the department to report to the legislature annually on the number of

- false reports referred to law enforcement.
- Requires each state attorney to establish and publish procedures to facilitate the prosecution of false reporters and to report to the legislature annually the number of complaints that have resulted in the filing of an information or indictment.
- Increases the fine the department may impose upon a person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a disabled adult or elderly person or who counsels another to make a false report from \$1000 to \$10,000.

The effective date of this bill is July 1, 1998.

**HB 4231 -- Long-Term Care/Religious Faith**

**by Rep. Jacobs and others** (CS/SB 2324 by Senate Children, Families and Seniors Committee and Senator Rossin)

- Amends the Long Term Care Community Diversion Project Act and directs the Department of Elder Affairs to allow enrollees to choose among long-term care providers including providers that are affiliated with a religious faith or denomination.

The effective date of this bill is upon becoming law and has no fiscal impact.

**CS/HB 4283 -- Florida Employment Long-Term-Care Plan**

**by Rep. Peadar and others** (CS/SB 2342 by Senate Government Reform and Oversight Committee and Senator Bankhead)

- Creates a long-term care insurance plan for specified public sector employees, retirees, and their families.

The effective date of this bill is July 1, 1998.

**HB 4517 -- Care of Elderly Persons (RAB)**

**by the Committee on Elder Affairs and Long Term Care Committee and Rep. Brooks** (Passed as CS/SB 1706 by Senate Children, Families and Seniors Committee and Senator Rossin)

- Provides specific rule authority for a number of sections in Part III and Part VII of Chapter 400, related to assisted living facilities and adult family care homes.
- Provides rule authority related to contracts between assisted living facilities and residents of such facilities to clarify terms, establish procedures, clarify refund policies and contract provisions, and specify documentation.
- Provides rule authority related to property and personal affairs of residents of assisted living facilities to clarify terms and specify documentation regarding the proper management of residents' funds and personal property and the

- execution of surety bonds.
- Provides rule authority related to business practices, personnel records, and liability insurance of assisted living facilities to clarify terms, establish requirements for financial records, accounting procedures, personnel procedures, and reporting procedures and specify documentation.
- Provides rule authority related to standards for resident care, safety, and quality of life in assisted living facilities to clarify terms and establish waiver application procedures, criteria for reviewing waiver proposals, and procedures for reporting findings and moving from rule to statute requirements regarding business practices and liability insurance.
- Provides rule authority to establish procedures and specify documentation for pharmacy and dietary services in assisted living facilities.
- Provides rule authority to establish procedures and specify documentation for construction and renovation of assisted living facilities.
- Provides rule authority related to licensure of adult family care homes to establish procedures, identify forms, specify documentation and clarify terms and moves from rule to statute language describing Class I, II, III, and IV and unclassified violations and providing for fines by the agency.
- Provides rule authority to establish facility conditions that constitute grounds for imposing a moratorium and establish procedures for imposing and lifting a moratorium on adult family care homes.
- Provides rule authority and rule requirements relating to standards for the health, safety, and well-being of residents of adult family care homes.
- Provides rule authority related to training and educational programs for adult family care home providers.

The effective date of this bill is July 1, 1998.

#### **HR 9315 -- RESPECT**

**by Rep. Ken Pruitt** (SB 2130 by Senator Myers)

- Recognizes RESPECT of Florida as a necessary, viable, and valuable means of carrying out its policy of promoting gainful employment for Florida citizens with severe disabilities.

#### **SB 892 -- Substance Abuse Services (RAB)**

**by Senator Rossin**

- Revises and combines the definitions of medication treatment and methadone maintenance treatment.
- Requires under the section setting forth the rights of clients receiving substance abuse services, that the right to quality services include the use of methods and techniques to control aggressive client behavior that poses an immediate threat to the client or to other persons.

- Provides requirements and restrictions on the use of aggression control techniques.
- Provides rulemaking authority to the Department of Children and Family Services.

The effective date of this bill is upon becoming a law.

**CS/SB 1152 -- Disabled and Mentally Ill/TF (RAB)**

**by Senate Children, Families and Seniors Committee and Senator Rossin**

- Provides statutory authority for the Department of Children and Family Services rule making.
- Provides definitions related to developmentally disabled and mentally ill persons' umbrella trust fund for "individual trust", "main umbrella trust", and "umbrella trust fund".
- Provides specific rule authority for the Department of Children and Family Services for administration of expenditures from the individual trust and the establishment of fees for administering the umbrella trust fund.
- Requires that the administrator of the umbrella trust fund shall be a trust company that has its principal place of business in Florida.
- Requires the trustee of an individual trust to provide an annual accounting to the beneficiary of the trust or to the beneficiary's representative.

The effective date of this bill is upon becoming a law.

### **Committee on Health Care Services**

**CS/HB 1213 -- Prostate & Breast Cancer**

**by the Committee on Health Care Services, Rep. Murman & others (CS/CS/SB 94 by Senate Ways and Means, Senate Health Care, Senator Grant & others)**

- Amends section 240.5121(4)(m), F.S., to direct the Florida Cancer Control and Research Advisory Council (C-CRAB), to develop a pamphlet, written in layperson's terms and in language easily understood by the average adult patient, informing actual and high-risk prostate cancer patients of the medically viable treatment alternatives available to them in the effective management of prostate cancer. This summary is to be written in English and Spanish and to describe treatment alternatives and explain the relative advantages, disadvantages, and risks associated with each. The council is required to periodically update the pamphlet to reflect current standards of medical practice in the treatment of prostate cancer.
- Increases by three the number of members on the C-CRAB and requires the council to develop and implement an educational program, including

- distribution of the pamphlet, to inform citizen groups, associations, and voluntary organizations about early detection and treatment of prostate cancer.
- Creates the Prostate Cancer Task Force within the H. Lee Moffitt Cancer Center and Research Institute. This task force is composed of 18 non-compensated members, and will last for 2 years. The task force is charged with 1) compilation of all research and information about prostate cancer, and preparations of recommendations for 2) reducing the number of incidences of prostate cancer, and 3) changes in the Florida Insurance Code as it relates to coverage for prostate cancer screening and treatment (including how such changes would effect the Florida government and community).

The effective date of this bill is July 1 of the year in which enacted.

**HB 1883 -- Organ and Tissue Donation**  
**by the Committee on Health & Human Services Appropriations; the Committee on Health Care Services; Reps. Albright and Culp** (Passed as SB 304 by Senator Childers)

- Revises Part X of Chapter 732, Florida Statutes, relating to anatomical gifts, to do the following:
- Revise the definition of the term "death" to include cardiac death.
- Clarify that only an adult may donate organs.
- Clarify methods by which an anatomical gift may be revoked.
- Revise language which provides immunity from civil and criminal liability for hospitals, hospital administrators, and their designees relating to participation in the organ donation program, and add organ procurement organizations, eye banks and tissue banks to the list of parties given immunity.
- Provide additional duties for the hospital administrator at the time of death to notify the organ procurement organization.
- Authorize the Agency for Health Care Administration to use funds in an existing trust fund to establish an organ and tissue donor registry and to initiate organ donor education. The bill also reduces the rate of assessment on organ procurement organizations, tissue and eye banks from .5% to .25% of total revenues, effective July 1, 1999.

The effective date of this bill is upon becoming law except as otherwise provided.

**CS/HB 1929 -- Protection of Children**

**by the Committee on Governmental Operations, Committee Health Care Services and Rep. Albright & others** (Passed as CS/SB 1646 by Senate Health Care, Senator Myers & others)

- Transfers responsibility for the child protection teams and the sexual abuse treatment program from the Department of Children & Family Services to the Department of Health and elevates the Division Director of Children's Medical Services to Deputy Secretary for Children's Medical Services.

The effective date of this bill is January 1, 1999.

**CS/HB 3105 -- Health Insurance/Cleft Lip & Cleft Palate**

**by the Committee on Health Care Services, Rep. Ritter & others** (Passed as CS/SB 228 by Senate Health Care, Senator Gutman & others)

- Creates ss. 627.64193, 627.66911, and 641.31(34), F.S., which apply to individual and group accident or health insurance policies, and health maintenance organization (HMO) plans.
- Requires that if the plan provides coverage for a child under the age of 18, the plan must include coverage for cleft lip and cleft palate for such child.
- Requires the following services to be included in the coverage: medical, dental, speech therapy, audiology and nutrition services only when such services are prescribed by the treating physician and certified to be medically necessary to treatment of the cleft lip or cleft palate.
- Applies these provisions to out-of-state group policies and small group policies.

The effective date of this bill is October 1, 1998.

**CS/HB 3145 -- Outreach for Pregnant Women Act**

**by the Committee on Health Care Services, Rep. Heyman & others** (CS/SB 1258 by Senate Health Care and Senator Harris)

- Provides high-risk pregnant women who may not seek proper prenatal care, who suffer from substance abuse problems, or who are infected with HIV and to provide these women with links to much needed services and information in order to provide early intervention and treatment to benefit the health of both the child and mother.
- Establishes a two-year pilot outreach program in Dade, Broward, Palm Beach, Hillsborough and Orange counties for high-risk pregnant women who may not seek proper prenatal care, who suffer from substance abuse, or who are infected with HIV.
- Requires the Department of Health to coordinate the outreach programs and provide services and information to high-risk pregnant women and their infants.



- Requires the Department of Health to compile reports and recommendations for the program.
- Provides \$15.6 million from the Tobacco Settlement Trust Fund and \$1.4 million from non-recurring General Revenue to implement the provisions in the bill; to replace the Tampa Branch Health Laboratory; to construct the Hendry County Health Department; for the Healthy Moms and Healthy Babies facility at the University of South Florida; and for the Center for Urban Transportation Research at the University of South Florida.
- Effective July 1, 1998, repeals s. 206.606, F.S., as amended by ch. 96-321, Laws of Florida.

The effective date of this bill is October 1, 1998, except as otherwise provided.

### **CS/HB 3715 -- Sexually Transmitted Diseases**

**by the Committee on Health Care Services, Reps. Frankel and Brooks** (Passed in CS/CS/SB 714 by Senate Ways and Means, Senate Health Care, Senator Forman & others)

- Addresses HIV/AIDS course requirements for employees and clients of specific health care facilities and for certain licensed health care professionals.
- Expands HIV/AIDS education requirements for employees and clients of certain health care facilities.
- Streamlines requirements relating to HIV testing, specifically relating to pre-and post-test counseling requirements.
- Provides for the sharing of preliminary test results under certain circumstances.
- Creates additional exceptions in which HIV information can be released without the consent of the test subject.
- Provides that during notification of results, specific information must be provided on available medical services, support services, and the importance of partner notification.
- Addresses the need to provide prevention information to high risk persons who test negative.
- Authorizes hospital emergency departments and detention facilities to enlist public health services in the notification of positive individuals who have been discharged prior to notification of positive results.
- Authorizes testing without informed consent, in the event of a significant exposure to medical or non-medical personnel who provide emergency care to a victim who dies; to monitor a previously diagnosed HIV-positive patient's clinical progress; and for the performance of repeated HIV testing conducted to monitor possible conversion from a significant exposure.
- Grants authority for a health care provider involved in the delivery of a child to note the mother's HIV test result in the child's medical record.
- Requires the re-registration of HIV testing sites and give authority for inspection.
- Gives DOH the authority to deny, suspend or revoke the registration of an HIV testing site.

- Adds requirements for DOH's model protocol for HIV testing and counseling and provide that the model protocol be established by agency rule.

The effective date of this bill is July 1, 1998.

**CS/HB 3731 -- Health Insurance**

**by the Committee on Health Care Services and Rep. Byrd** (Passed as CS/SB 1752 by Senate Banking and Insurance, Senator Cowin & other)

- Revises standards for the operation of prepaid limited health service organizations (PLHSOs) as follows.
- Requires each PLHSO to make available to all subscribers a description of the authorization and referral process for services and a description of the process used to analyze the qualifications and credentials of providers. Certain literature provided to subscribers must include the address of the department and the department's toll-free consumer hot line.
- Requires each PLHSO to report annually to the department the total number of grievances handled by class of grievance and the final disposition of all grievances.

The effective date of this bill is October 1, 1998.

**HB 3783 -- Cigarette Tax Collection Trust Fund**

**by Reps. Tamargo, Bradley & others** (CS/SB 1636 by Senate Ways and Means, Senator Brown-Waite & others)

- Requires the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to certify to the Comptroller an amount equal to 2.59 percent of the revenues derived from the cigarette tax imposed under s. 210.02, F.S., to be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute for a period of 10 years beginning January 1, 1999. The Moffitt Cancer Center is to use these funds for constructing, furnishing, and equipping a cancer-research facility. These funds may be used to secure financing, by means including the issuance of tax-exempt bonds. The Board of Directors of the Moffitt Cancer Center is required to administer the funds, manage the project, and provide technical or managerial assistance during the construction of the project. In addition, the board is required to operate the facility when complete.
- Reduces the amount of cigarette tax revenue deposited into General Revenue by \$10.6 million annually, or by a total of \$106 million over the ten year period specified in the bill.

The effective date of this bill is July 1, 1998.

**HB 3999 -- Parental Notice of Abortion Act**

**by Rep. Sindler & others** (CS/SB 1814 by Senate Health Care, Senator Harris & others)

- Requires the person performing or inducing the termination of a pregnancy of a minor to notify the parent or legal guardian of the minor's intention at least 48 hours prior to performing or inducing the termination of pregnancy.
- Provides that notice shall not be required if: a medical emergency exists; notice is waived in writing by the person who is entitled to notice; the minor is or has been married or has the disability of nonage removed; or notice is waived through a judicial procedure.
- Provides for disciplinary action for violations of the notice requirement.
- Provides for procedures for judicial waiver of notice.

The effective date of this bill is July 1, 1999.

**HB 4081 -- Hillsborough County/Hospitals**  
**by Rep. Culp & others** (SB 2604)

- Allows Hillsborough County to develop and enact a health care lien ordinance that will restore the lien privilege to Tampa General Hospital and extend the lien privilege to all hospitals in Hillsborough County.
- Allows the lien privilege to be extended to Hillsborough County when the county pays for hospital services of qualified county residents.
- Limits the lien if the patient is covered through an HMO or other nongovernmental entity under contract with the hospital to the covered charges in effect at the time treatment was delivered and to the amount that the hospital has contracted to accept from all sources for the care and treatment of the patient.
- Provides for attorney's fees and costs through equitable distribution based on a pro rata share.

The effective date of this bill is upon becoming law.

**CS/HB 4415 -- Children's Health**  
**by the Committee on Health & Human Services Appropriations, the Committee on Health Care Services, Rep. Albright & others** (CS/CS/CS/SB 1228 by Senate Ways and Means, Senate Banking and Insurance, Senate Health Care, Senator Brown-Waite & others)

- Creates the "Florida Kid Care Program" which provides health insurance coverage to uninsured children with incomes up to 200% of the federal poverty level. The "Kid Care" program consists of the following components:
- **Medikids**, a newly created program to provide services to children from birth to the age of 5 years. The Medikids program uses the Medicaid benefit package and has periodic open enrollment periods. After being determined eligible for

the program, a child enrolls in a Medicaid managed care plan or MediPass. Serves 23,000 kids at a total first year cost of \$11 million.

- **Florida Healthy Kids**, which serves children ages 5 through 19 years. Local match requirements will be modified so that all counties will be able to participate in Healthy Kids. The Healthy Kids benefit package will be used and there will be open enrollment periods during which children will select from among participating plans. Serves 162,000 kids and costs \$102 million.
- **Medicaid coverage for kids age 15 through 19**, from 28% to 100% of federal poverty. This component will serve 30,000 kids at an annual cost of \$19 million.
- **Employer-sponsored group health insurance plans for kids** in families with access to dependent coverage.
- **Children with special health care needs** will be served through the Children's Medical Services network (10,000 kids / \$49 million), or for children with serious emotional disturbances or substance dependency through the Department of Children and Family Services. (400 kids / \$6.3 million)
- **Twelve months of continuous eligibility will be provided to Medicaid eligible kids** ages 0 - 5; and 6 months of continuous eligibility will be provided for Medicaid eligible kids ages 5-19.
- **Increases funding for the Primary Care for Children and Families Challenge Grant** by \$6.4 million, and for the School Health Service Program by \$2.9 million.
- In all, the program is expected to cover 256,000 children at a total cost of \$344 million (\$119 million state, \$209 million federal, and family contributions of \$16 million).

The effective date of this bill is July 1 of the year in which enacted.

#### **HB 4495 -- Health Insurance**

**by the Committee on Health Care Services, Rep. Albright & others** (Passed as CS/CS/SB 1800 by Senate Health Care, Senate Banking and Insurance & Senator Diaz-Balart)

- Corrects several "glitches" which occurred as a result of the enactment of CS/SB 1682, which placed into Florida law, the provisions of the federal "Health Care Portability and Accountability Act of 1996" (HIPAA) as follows:
- Conforms Florida law on group health insurance conversion requirements to the provisions of HIPAA specifically related to renewability.
- Incorporates the provisions of the federal "Mental Health Parity Act of 1996" into the Florida Insurance Code.
- Clarifies which provisions of Florida's Long-Term Care Insurance Act apply to limited benefit policies, adds a disclosure statement for limited benefit policies, and conforms the definition of "preexisting condition" for long-term care policies to HIPAA.
- Specifies that funds in a medical savings account or Roth IRA (individual retirement account) are not liable to attachment, garnishment, or legal process.

- Permits certain HMOs to have up to 10 outpatient holding beds. This provision was inadvertently repealed in 1996.
- Amends the Florida Insurance Code relating to Medicare supplement policies to make changes necessary to conform to federal law in the areas of guarantee issue and preexisting condition.
- Revises ch. 641, F.S., relating to HMO surplus and solvency requirements, to increase minimum surplus requirements from \$.5 million to \$1.5 million, require a minimum surplus of \$300,000 (or up to \$2 million based on financial conditions), and require HMOs to file a report on internal control in conjunction with its CPA report.
- Exempts policies which provide for expanded coverage, written in conjunction with comprehensive medical policies, from the requirements of the small group law.
- Requires certain health care providers who obtain liability protection from the Board of Regents to report malpractice incidents to the Department of Insurance (DOI).
- Expands eligibility for guarantee-issue of an individual health insurance policy to include persons with 18 months of prior coverage under an individual plan, if the prior insurance coverage is terminated due to the insurer or HMO becoming insolvent or discontinuing all policies in the state, or due to the individual no longer living in the service area of the insurer or HMO. (Current law requires that the most recent coverage must be group coverage.)
- Requires the DOI to annually establish the standard risk premium which serves as the benchmark for establishing maximum premiums for the Florida Comprehensive Health Association (FCHA) and for individual conversion policies.
- Requires insurers to mail to individuals who are eligible for a conversion policy, an election and premium notice form, including an outline of coverage, within 14 days of request.
- Revises the requirements for an HMO to provide a 12-month extension of benefits for persons who are totally disabled, to apply the requirement to any termination of an HMO contract, including termination by a group contract holder, but limiting such requirement to group HMO contracts.
- Revises the bond requirements that must be met by fiscal intermediary organizations.
- Specifies that the current 180-day notice requirement that an insurer is required to provide to individual or group policyholders if the insurer discontinues offering all health insurance coverage in the individual or group market in the state, must be 180 days prior to nonrenewal of each policyholder's coverage. This clarifies that an insurer cannot cancel a policy mid-term.
- Provides that an individual is not eligible for guarantee-issue of coverage if the individual is eligible for a conversion policy under an insured plan or a self-insured plan. However, the conversion policy would have to be issued by a Florida authorized insurer or HMO that issues the conversion policy under the requirements of Florida law. In other words, the insurer or HMO would be

required to have the policy approved by the DOI, must offer the standard benefit plan, and must limit premiums to 200 percent of the standard risk rate, as currently required for all conversion policies.

- Provides that an insurer may not deny coverage for a late enrolled child if notice is given within 60 days of the birth of the child. Current law has been interpreted to allow a policyholder to enroll a child under a policy anytime after birth until age 18, and to obtain retroactive coverage back to the date of birth, if the policyholder pays the past due premiums. This is the literal interpretation of the current law, but all parties agree that it is not reasonable to allow enrollment of a child years after the child is born and obtain coverage back to the date of birth.
- Reinserts certain exceptions to the requirement that HMO contracts provide for an extension of benefits for at least 12 months for a person who is totally disabled at the time an HMO contract is terminated. The provision reinserts only 3 of the current exceptions: (1) fraud or material misrepresentation in applying for benefits; (2) disenrollment for cause, after the HMO follows specified procedures; and (3) the subscriber has moved out of the geographic service area of the HMO.

The effective date of this bill is January 1, 1999.

#### **HB 4535 -- Health Care Responsibility**

**by the Committee on Health Care Services, Rep. Albright & others** (Passed as CS/CS/SB 484 by Senate Ways and Means, Senate Health Care)

- Revises and sets new requirements for the Medicaid program, makes revisions to the "Health Care Responsibility Act of 1988," and addresses issues relating to the Agency for Health Care Administration and the Department of Health.

With regard to the Medicaid program, this bill:

- Revises third party liability recovery procedures by the Agency for Health Care Administration (AHCA) and sets requirements for payment of attorney's fees.
- Revises payment schedules for persons dually eligible for Medicare and Medicaid.
- Revises mandatory assignment provisions for Medicaid recipients to insure equal enrollment in MediPass and PSN's and managed care plans.
- Requires AHCA to establish a revised reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents.
- Authorizes AHCA to competitively negotiate for home health services and to seek necessary waivers relating to such competitive negotiation.
- Revises eligibility standards to conform to WAGES requirements.
- Extends time period in which a Medicaid recipient may voluntarily disenroll from a managed care plan or MediPass provider from 60 to 90 days to conform to federal law.
- Creates a Medicaid outpatient specialty services demonstration project.

- Eliminates provisions that prohibit federally qualified health centers from participating in Medicaid provider services networks.
- Limits reimbursement, effective January 1, 1999, under District 6 Mental Health Pilot Projects to entities licensed under chs. 624, 641, or 636, F.S.
- Provides \$2 million from tobacco settlement revenues to be matched with federal Medicaid funds to provide Medicaid recipients with prosthetic and orthotic devices.
- Requires Medicaid reimbursement to county health departments for school based services for patients enrolled in managed care plans.

With regard to the Department of Health and other health care issues, this bill:

- Specifies that copayments collected by DOH or its contractors do not apply to health care providers practicing under the “Access to Health Care Act.”
- Authorizes the Department of Health and the Department of Children and Family Services to share confidential client information.
- Revises local WAGES coalition memberships.
- Adds DOH to the definition of “medical review committee.”
- Names the Carl S. Lytle, M.D. Memorial Health Facility in Marion County.
- Repeals outdated silver nitrate requirements.
- Transfers the Nursing Student Loan Forgiveness Program and scholarship program from the DOH to the Department of Education.
- Increases the penalty to a third degree felony for maliciously disseminating information identifying individuals who have a sexually transmissible disease;
- Increases the penalty to a first degree felony for persons committing multiple violations of s. 384.24(2), F.S.
- Revises professional liability reporting requirements by certain insurers and requires health care providers who obtain professional liability insurance from the Board of Regents to report to the DOI claims for damages.
- Provides that the Department of Health is the designated state agency for receiving federal funds for the Child Care Food Program.

Finally, this bill revises the “Health Care Responsibility Act of 1988” to:

- Reduce the maximum amount a county may be required to pay out-of-county hospitals for care provided to qualified indigent residents of the county.
- Increase the time a hospital has to notify the county of residence of a HCRA patient that the hospital provided health care to the patient.

The effective date of this bill is July 1 of the year in which enacted except as otherwise provided herein.

**HR 9087 -- New Drugs/Medical Devices/Approval  
by Rep. Arnall**

- Supports the enactment of comprehensive federal legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness.

No effective date.

**CS/SB 250 -- Certificates of Need  
by Senate Health Care; Senate Health Care**

- Amends the certificate-of-need (CON) law relating to nursing homes to:
- Modifies the procedure for imposing conditions on a CON for a nursing home that was issued in reliance on the applicant's statements to provide a specified number of nursing home beds to Medicaid recipients.
- Revises a provision in the nursing home licensure law by deleting language that pertains to CON regulation.
- Exempts from CON review certain state veterans' nursing homes operated by or on behalf of the Florida Department of Veterans' Affairs when specified conditions are met.
- Amends the law relating to CON conditions and monitoring to explicitly clarify that a nursing home CON issued in reliance upon an applicant's statement to provide Medicaid nursing home beds must include a statement of such commitment. The CON program is required to notify the Medicaid program and the Department of Elderly Affairs when it imposes Medicaid conditions on a CON for a nursing home that will operate in an area in which a community diversion pilot project is implemented. Additionally, explicit authority is provided for a holder of a CON to apply to the Agency for Health Care Administration (AHCA) for a modification of conditions imposed on its CON.
- Creates an interagency workgroup with participation from private-sector interested parties to study and monitor issues pertaining to ensuring a sufficient supply of Medicaid nursing home beds. The workgroup is required to submit two reports and it is abolished effective January 1, 2000.

The effective date of this bill is July 1, 1998.



**CS/SB 1716 -- Department of Health/(RAB)  
by Senate Health Care & Senator Brown-Waite**

- Addresses those rules relating to the Department of Health's public health programs currently being enforced by the Department of Health which do not have the clear statutory authority needed under the revised provisions of the Administrative Procedures Act. Specific topical areas addressed in the bill are: immunizations, communicable disease control, sanitary facilities, drinking water systems, onsite sewage treatment and disposal systems, septic tank contractors, food hygiene, migrant labor housing, biomedical waste, environmental health professionals, tanning facilities, food assistance programs, emergency medical services, water quality testing, certification of water testing laboratories, radon testing, inspection of radiation machines, examinations of radiologic technologists, drugs, devices and cosmetics, mobile home parks, and public swimming and bathing facilities.

The effective date of this bill is July 1, 1998.

**Committee on Health Care Standards & Regulatory Reform**

**CS/CS/CS/HB 349 -- Regulation of Health Care Facilities  
by the Committee on Health Care Standards & Regulatory Reform, the Committee on Health & Human Services Appropriations, the Committee on Health Care Standards & Regulatory Reform, Representative Saunders and others (Passed as CS/SB 314 by Senate Health Care & Senator Brown-Waite)**

- Deletes two requirements for hospitals--the budget review functions and construction reviews for certain outpatient hospital structures.
- Clarifies current law which requires hospitals constructed after July, 1998 to function as shelters and be self-supporting in the event of a major disaster.
- Requires the Agency for Health Care Administration to submit a report on recommendations for cost-effective renovation of existing hospitals.
- Strengthens the Patient's Bill of Rights by ensuring that patients are provided information and instruction on the complaint filing process.
- Strengthens current law to improve facility reports of disciplinary action taken against physicians by a facility.
- Streamlines and clarifies certain aspects of risk management programs, such as definitions of "adverse incidents" that are required to be reported to the agency.
- Transfers the licensure program for health care risk managers from the DOI to the Agency for Health Care Administration, to be administered in conjunction with the regulation of facility risk management programs.
- Deletes a fee for copying patient records.

The effective date of this bill is July 1, 1998.

**CS/HB 891 -- Assessments on Health Care Entities**  
**by the Committee on Health Care Standards & Regulatory Reform and Rep. Gay**  
(Passed as CS/SB 570 by Senate Ways and Means and Senator Dudley)

- Repeals the radiation therapy portion of the outpatient facilities assessment of 1.5% of net revenues which is currently paid into the Public Medical Assistance Trust Fund (PMATF).
- Extends the exemption from assessment to outpatient radiation therapy services offered in a hospital setting.
- Directs House and Senate staff to perform a cost study of the Adult Heart Transplant Program in Medicaid, to be completed no later than September 1, 1998. Also authorizes the Agency for Health Care Administration to seek a budget amendment from the governor and Cabinet to seek funds to continue the program after the study is complete if the Speaker of the House of Representatives and President of the Senate approve the results of the study and authorize the budget amendment.
- Provides that the amendment of sections 395.701 (hospitals) and 395.7015 (freestanding radiation therapy centers), F.S., shall take effect only upon the Agency for Health Care Administration receiving written confirmation from the federal Health Care Financing Administration that the changes contained in the amendments will not adversely affect the use of the remaining assessments as state match for the state's Medicaid program.

The effective date of this bill is July 1, 1998, with the exception of the aforementioned sections, which are effective upon receipt of such written confirmation.

**CS/HB 1005 -- Managed Care/Subscriber Grievances**  
**by the Committee on Health Care Standards and Regulatory Reform and Rep. Saunders** (CS/SB 162 by Senate Banking and Finance & Senator Brown-Waite)  
**Chapter No. 98-10 LOF.**

- Revises criteria and procedures for review of grievances against managed care entities by statewide provider and subscriber assistance panel.
- Provides for initial review by the Agency for Health Care Administration.
- Provides requirements for expedited or emergency hearings.
- Provides for requests for patient records. Requires certain notice to subscribers and providers of their right to file grievances. Provides for attorney's fees and costs, etc.

The effective date of this bill is December 1, 1998.

**CS/CS/HB 1021 -- Health Care Provider Discrimination**

**by the Committee on Health Care Standards and Regulatory Reform and the Committee on Health Care Standards and Regulatory Reform and Reps. Bloom and Jones (CS/SB 2146 by Senate Banking and Insurance & Senator Silver)**

- Prohibits exclusive provider organizations and health maintenance organizations from discriminating against participation by advanced registered nurse practitioners solely on the basis of their licensure or certification.

The effective date of this bill is upon becoming law.

**CS/CS/HB 1137 -- Tests for Alcohol, Chemical Substances, or Controlled Substances**

**by the Committee on Health Care Standards & Regulatory Reform, the Committee on Law Enforcement & Public Safety, Representatives Lynn and others (SB 508 by Senate Criminal Justice & Senator Horne) Chapter No. 98-27 LOF.**

- Allows a health care provider treating a person injured in a motor vehicle crash to notify law enforcement if that person's blood alcohol level is .08 percent or higher, whenever said practitioner becomes aware of this fact as a result of a blood test performed as a part of the medical treatment. The notification must be given within a reasonable amount of time, and used exclusively for the law enforcement officer's purposes.
- Reports or fails to report this information, would not be a violation of any ethical or moral duty on the health care provider's part.
- Prohibits any action or administrative proceeding being brought against a health care provider on the basis of such a report, and provides immunity from civil or criminal liability and from any professional disciplinary action that may arise.

The effective date of this bill is July 1, 1998.

**CS/HB 1437 -- Public Records Exemption - Managed Care/Subscriber Grievances by the Committee on Health Care Standards and Regulatory Reform and Rep. Saunders (SB 166 by Senator Brown-Waite)**

- Provides exemption from public records requirements for certain personal information in documents, reports, or records prepared or reviewed by the provider and subscriber assistance panel or obtained by the Agency for Health Care Administration.
- Provides exemption for portions of meetings of such panels when subscriber whose grievance will be discussed requests closed meeting.
- Provides exemption for portions of meetings of such panels when such information, or trade secret or internal risk management program info is discussed.

The effective date of this bill is upon becoming law.

**HB 1519 -- Rural Hospitals**

**by Reps. Westbrook and Mackey** (Passed as SB 288 by Senators Thomas and Myers) **Chapter No. 98-14 LOF.**

- Revises definition of "rural hospital" to increase the maximum number of licensed beds allowed in a state-designated rural hospital from 85 to 100.
- According to the Agency for Health Care Administration, the immediate effect is to increase the number of rural hospitals from 27 to 29.
- Provides that rural hospitals designated on or after July 1, 1998, may not be included in the rural hospital disproportionate share or financial assistance programs unless additional appropriations are provided to prevent any reduction in payments to hospitals existing prior to July 1, 1998 and otherwise eligible for assistance.

The effective date of this bill is July 1, 1998.

**HB 1625 -- Transitional Living Facilities for Brain and Spinal Cord Injuries**

**by the Committee on Health Care Standards and Regulatory Reform and Reps. Jones, Dawson-White, and Others** (Passed as CS/SB 188 by Senate Health Care & Senator Brown-Waite) **Chapter No. 98-12 LOF.**

- Provides for the revision of the state licensure program for Transitional Living Facilities for brain and spinal cord injured patients.
- Expands duties of the Advisory Council on Brain and Spinal Cord Injuries to include the annual appointment of a five person committee composed of consumers and professionals to conduct on-site visits to such facilities.
- Cost of regulation is fee-supported.

The effective date of this bill is October 1, 1998.

**CS/HB 1739 -- Regional Poison Control Center/Emergency Medical Services**

**by the Committee on Health Care Standards and Regulatory Reform and Rep. Saunders** (CS/SB 302 by Senate Community Affairs & Senator Lee) **Chapter No. 98-7 LOF.**

- Requires each regional poison control center to develop an emergency dispatch protocol with each licensee as defined by s. 401.23 (13), F.S., in the geographic area covered by the regional poison control center. Such protocol shall be developed by October 1, 1999.
- Develops protocol in conjunction with the appropriate poison control center.
- Provides for a call transferred to a regional poison control center in accordance with established protocol and s. 401.268, F.S., the designated poison control center shall assume responsibility and liability for the call.

The effective date of this bill is July 1, 1998.

**CS/HB 1843 -- Medicaid/HMO's/Claims**

**by Reps. Effman, Lippman, and Brooks** (Passed as CS/SB 1584 by Senate Banking and Insurance, Senator Campbell & others)

- Requires HMO's to reimburse all claims or any portion of any claim made by a contract provider for services or goods provided under a contract with the HMO which the HMO does not contest or deny within 35 days after receipt of the claim by the HMO.
- Requests for additional information, provided by provider within 35 days of the receipt of such request.
- Pays or denies (HMO) the contested claim or portion of the contested claim within 45 days after receipt of the information.
- Pays or denies (Insurer) any claim no later than 120 days after receiving the claim. Payment is considered made on the date the payment was received or electronically transmitted or otherwise delivered.

The effective date of this bill is October 1, 1998.

**CS/HB 3227 -- Substance Abuse Services**

**by the Committee on Family Law & Children, Rep. Wise, and others** (SB 392 by Senator Holzendorf and others)

- Redefines the term "qualified professional" for the purposes of providing substance abuse assessment or treatment services under Chapter 397, F.S.
- Licenses professionals under Chapter 491, F.S., and adds them to the "qualified professional" definition.
- Provides a grandfather clause for individuals who were certified prior to January 1, 1995 under a certification process recognized by the former Department of Health and Rehabilitative Services.

The effective date of this bill is January 1, 1999.

**HB 3231 -- Rural Hospitals**

**by Rep. Burroughs and others** (SB 170 by Senator Childers) **Chapter No. 98-21 LOF.**

- Modifies the statutory definition of the term "rural hospital" by changing the language to 85 or few licensed beds, as opposed to "85 licensed beds or less".
- Stipulates that population density must be based on the latest United States Census.
- Directs the Agency for Health Care Administration, in consultation with the Department of Health and representatives of the hospital industry, to conduct a study analyzing the definition of the term "rural hospital" and to report its findings and recommendations to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than December 31, 1999.

The effective date of this bill is upon becoming law.

**CS/HB 3311--Public Records**

**by the Committee on Governmental Operations, the Committee on Health Care Standards & Regulatory Reform, and Rep. Saunders** (SB 316 by Senator Brown-Waite)

- Accompanies CS/CS/CS/HB 349 (Passed as CS/SB 314), the health facilities regulation bill.
- Creates an exemption from the Public Records Law for certain information contained in notification of an adverse incident.
- Requires the notice to be submitted to the Agency for Health Care Administration.

The effective date of this bill is July 1, 1998.

**CS/HB 3487 -- Dental Insurance Coverage/General Anesthesia or Hospitalization**

**by the Committee on Health Care Standards and Regulatory Reform and Rep. Safley and others** (CS/SB 792 by Senate Banking and Insurance & Senator Latvala and others)

- Provides that dental treatment or surgery shall be considered necessary when the dental condition is likely to result in a medical condition if left untreated. Covers charges for general anesthesia or hospitalization for dental care of certain persons.
- Provides that each individual, group, franchise, or blanket health insurance policy, each maintenance organization, each preferred provider, and each exclusive provider, shall cover charges for general anesthesia or hospitalization for dental care of certain persons.
- covers a minor under 8 years of age who is determined by a licensed dentist in consultation with the child's physician to require treatment in a hospital or ambulatory surgical center; or, any person who has one or more medical conditions that would create significant or undue medical risk for the individual in the course of delivery of any necessary dental treatment.
- Requires authorization prior to hospitalization by the appropriate entity covering such costs.
- Requirements do not apply to Medicare supplement, long-term care, disability, limited benefit, or specified disease policies.
- Applies to any policy, issued, written, or renewed, or contract entered into, on or after the effective date of this bill.

**CS/HB 3565 -- Health Care**

**by the Committee on Health Care Standards & Regulatory Reform, Rep. Hill and others** (Passed as CS/SB 714 by Senate Ways and Means Committee, Senate Health Care, Senator Forman and others)

- Requires background screening for the chief executive officer and financial officer of all licensed health care facilities and employees of assisted living facilities.
- Strengthens protections for patients of home health agencies and clarifies what organizations and individuals are exempted from home health licensure.
- Repeals duplicate licensure requirements for diagnostic imaging services, radiation therapy, and rehabilitation therapies.
- Revises various provisions of the law related to HIV/AIDS. Adds the substance of CS/HB 3715 (which passed as CS/SB 2262)--Sexually Transmitted Diseases (HIV Testing) by the Committee on Health Care Services, Representative Frankel, Representative Brooks and others. Revisions include expanding HIV/AIDS course requirements for employees and

clients of specific health care facilities, as well as for designated health care professionals:

- streamlines requirements related to HIV testing;
- authorizes the release of preliminary HIV test results in limited situations;
- authorizes testing without consent in the event of a significant exposure to a deceased individual; and
- provides for the re-registration of HIV testing sites.

The effective date of this bill is July 1, 1998.

#### **HB 3817 -- Emergency Medical Services**

**by Rep. Effman and others** (Passed as CS/SB 290 by Senate Health Care & Senator Klein)

- Provides that a paramedic or emergency medical technician may perform health promotion and wellness activities and blood pressure screenings in a non-emergency environment, within the scope of their training, and under the direction of a medical director.
- Allows paramedics to administer immunizations in a non-emergency environment, within the scope of their training, and under the direction of a medical director. In order for such immunizations to be performed, there must also be in place a written agreement between the paramedic's medical director and the county health department located in each county in which the paramedic administers such immunizations.
- Establishes liability for medical directors.

The effective date of this bill is upon becoming law.

#### **HB 3971 -- Health Facilities Authorities**

**by Rep. Gay and others** (SB 1060 by Senate Health Care & Senator Silver)

- Allows local health facility authorities to use their bonding authorities to underwrite the purchase of accounts receivables from other not-for-profit health care facilities, whether they are in-state or out-of-state.
- Provides for a three hundred thousand dollar, one-time, tax forgiveness to All Children's Hospital, Pinellas County.

The effective date of this bill is upon becoming a law.

#### **HB 4365 -- Acupuncture**

**by Rep. Kelly** (SB 2282 by Senate Health Care & Senator Gutman)

- Adds language to the definition of "acupuncture" to include modern oriental concepts.
- Defines "oriental medicine" and includes same in the educational requirements for an authorized three-year program.
- Increases the number of members of the Board of Acupuncture from five to seven.
- Defines additional prohibited acts and penalties.

The effective date of this bill is July 1, 1998.

#### **HB 4515 -- Standardized Credentialing of Physicians**

**by the Committee on Health Care Standards and Regulatory Reform and Representatives Jones and Others** (CS/SB 1940 by Senate Health Care and Senator Myers)

- Provides for standardized credentialing of medical, osteopathic, chiropractic, and podiatric physicians effective July 1, 1999.

- Eliminates the current duplication in credentialing which is unnecessarily costly and cumbersome for both the physician and the entity granting practice privileges. Definitions are provided for implementation of a standardized program with standardized forms.
- Provides for the establishment of a mandatory credentials verification program. A “credentials verification entity” is authorized by statute.
- Provides that once a physician’s core credentials data are collected and validated, the physician is not required to resubmit this initial data when applying for practice privileges with health care entities. Timely updating of this information, no less than quarterly is required.
- Concepts supported by the HMOs, hospitals, health insurance companies, and physicians are standardized.
- Provides an appropriation of \$5.5 million and 7 FTEs for the necessary equipment and personnel to implement standardized credentialing by the effective date of this bill. It will be necessary to electronically transfer large amounts of data about physicians from and to the department if credentialing is to function as intended.

The effective date of this bill is July 1, 1999.

#### **HB 4681 -- Department of Health “Glitch Bill”**

**by the Committee on Health Care Standards and Regulatory Reform and Rep. Jones**

(Passed as CS/SB 2128 by Senate Health Care Committee and Senator Myers)

- Corrects the “glitches” resulting from passage of HB 1925 in 1997, makes a number of changes to chapter 455, Part II, as well as other changes.
- Corrects all of the various cross-references in the practice acts or sections referring to Part I or Part II of chapter 455.
- Corrects the terminology relating to chiropractic medicine and podiatric medicine in chapters 460 and 461, respectively. It also corrects the terminology as appropriate in various cross-references.
- Deletes requirements that medical and osteopathic physicians who go without malpractice insurance must get a signed statement from each patient for the patient’s file.
- Provides DOH added authority to review adequacy of offices of physicians that do office surgery.
- Requires DOH to notify HMOs as well as hospitals when they receive notice of disciplinary action against a medical or osteopathic physician.
- Extends the date from September 1, 1998 to December 31, 1998 for the DOH to give an exam to certain foreign-licensed physicians, and provides \$1.2 million from the MQA trust fund to the University of South Florida to develop the exam.

The effective date of this bill is July 1, 1998.

#### **HB 4741 -- Fiscal Intermediaries - Bonding Requirements**

**by the Committee on Health Care Standards and Regulatory Reform and Rep. Jones**

(Passed as part of CS/CS/SB 1800 by Senate Banking and Finance, by Senate Health Care, and Senator Diaz-Balart)

- Changes the bonding requirements for fiscal intermediaries regulated under s.641.316, F.S., from a fiduciary bond, to a smaller fiduciary bond and a surety bond. Currently, there are a number of these entities that perform fiduciary or fiscal intermediary services for health care practitioners (service providers) who contract with an HMO or other managed health organization.
- Amends s. 641.316, F.S., to require a fiscal intermediary to secure and maintain a fidelity



bond equal to 10 percent of the funds handled in the prior year, or \$1 million, which ever is lower. The minimum bond amount is \$50,000. The current requirement of a \$10 million fidelity bond is repealed. The bond must be maintained for as long as the intermediary does business in the State.

- Requires a fiscal intermediary to secure and maintain a surety bond on file with the Department of Insurance (DOI), naming the intermediary as principal. The bond must be with a company authorized to do business in the State, and the DOI shall be obligee on behalf of third parties. The bond shall be 5 percent of the funds handled in the prior year, or \$ 250,000, which ever is lower. The minimum surety bond amount shall be \$10,000. A condition of the bond is that the intermediary register with the DOI.

The effective date of this bill is January 1, 1999.

**SB 1232 -- Rulemaking Authority of the Agency for Health Care Administration (RAB)  
by Senator Brown-Waite**

- Authorizes the Agency for Health Care Administration to adopt rules allowing for a one-time extension of the deadline for a health care facility to file reports relating to data collection, finances, physician charges, and other requirements under chapter 408, F.S., including assessments on hospitals and nursing homes for purposes of funding the data collection and analyses responsibilities of the agency.

The effective date of this bill is upon becoming a law.

**SB 1348 -- Agency for Health Care Administration Rulemaking Authority/Workers' Compensation (RAB)  
by Senator Brown-Waite**

- Grants explicit rulemaking authority, as required by Chapter 120, F.S., to the Agency for Health Care Administration for the purpose of regulation of the workers' compensation managed care program under s. 440.134, F.S.

The effective date of this bill is upon becoming law.

**CS/SB 1410--Rulemaking Authority with Respect to Health Care Professionals (RAB)  
by the Senate Health Care and Senator Brown-Waite**

- Provides rulemaking authority for a number of programs within the Department of Health, including health care service pool registrants, impaired practitioner programs, dental laboratories, midwifery, and master social workers.

The effective date of this bill is July 1, 1998.

**GOVERNMENTAL RESPONSIBILITY COUNCIL**  
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HOUSE OF REPRESENTATIVES  
GOVERNMENTAL RESPONSIBILITY COUNCIL  
1998 SUMMARY OF PASSED LEGISLATION

COMMITTEE ON AGRICULTURE

**CS/3RD ENG/HB 209 -- Sales Tax/Farm Equipment**  
by the Committee on Agriculture, Representative Ziebarth and  
others

(CS/SB 984 by Senate Ways and Means and Senator Harris)

Extends the existing 3 percent partial sales tax exemption to farm equipment that is power-driven and used in the plowing, planting, cultivating, or harvesting of products by the agricultural industry.

- Defines "self-propelled farm equipment," "power-drawn farm equipment," "power-driven farm equipment," and "forest," and revises application of the partial exemption (3 percent) for self-propelled or power-drawn farm equipment.
- Provides that rental of self-propelled, power-drawn, or power-driven farm equipment shall be taxed at the rate of 3 percent, rather than 6 percent.

The effective date of this bill is October 1, 1998.

**CS/HB 489 -- Ad Valorem Tax/Agricultural Crops**  
by the Committee on Agriculture, Representatives Minton, Putnam  
and others

(SB 410 by Senator Bronson)

Specifies types of additional use factors, reflective of standard present practices of agricultural use and production, that property appraisers may

consider in assessing agricultural land.

- Provides "WHEREAS" clauses stating the policy of the state to conserve and protect and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products and describing the history and use of the "Greenbelt Law".
- Provides that property appraisers, when using the income methodology approach, shall rely on 5-year moving average data for assessment.

The effective date of this bill is upon becoming a law, and shall first apply to assessments effective January 1, 1999.

**CS/CS/1ST ENG/HB 1847 -- Agricultural Emergency Eradication Trust Fund**  
**by Committees on General Government Appropriations and Agriculture**  
(Passed as 1ST ENG/SB 1010 by Senator Bronson)

- Creates the Agricultural Emergency Eradication Trust Fund.
- Prescribes its uses.
- Defines an "agricultural emergency" as an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, or agricultural interests in the state.

The bill also transfers funds for fiscal year 1998-99 to the appropriate trust fund.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 3115 -- Ferrets/Rabies Vaccination**  
**by Representative Futch (1ST ENG/SB 1384 by Senator Forman)**

Provides for rabies vaccination of ferrets, and for quarantine according to rules.

The effective date of this bill is January 1, 1999.

**CS/1ST ENG/HB 3479 -- Agriculture Emergencies**  
**by Committees on General Government Appropriations and Agriculture**  
(Passed as CS/2ND ENG/SB 1088 by Senator Bronson)

Provides funding for the Agricultural Emergency Eradication Trust Fund (SB 1010). Funding sources include:

- Unclaimed agricultural gas taxes currently deposited into the Fuel Tax Collection Trust Fund.
- \$1 million appropriation from general revenue.

The effective date of this bill is July 1, 1998.



## **1ST ENG/HB 3641 -- Eradication of Agricultural Pests**

**by Representative Murman**

(Passed as CS/2ND ENG/SB 926 by Senate Agriculture and Senator Lee)

Prescribes duties of the Department of Agriculture and Consumer Services and the Department of Health regarding programs of emergency aerial application of pesticide for eradication of plant pests. Specifically, the bill:

- Requires use of certain pesticides.
- Requires the development of a system for informing the public of such pest eradication programs.
- Provides for information to be furnished to health care providers in affected area.
- Provides for the establishment of a health advisory committee.

The effective date of this bill is July 1, 1998.

## **CS/2ND ENG/HB 3671 -- Timber Management**

**by the Committee on Agriculture and Representative Sembler**

(CS/SB 840 by Senate Agriculture and Senator Bronson)

Provides direction to Division of Forestry of the Florida Department of Agriculture and Consumer Services (division) to manage timber resources on state-owned lands to generate revenue in multiple-use environments. Additionally, the bill:

- Requires that the division or any qualified professional forester prepare a timber resource management feasibility component for state-owned land management analyses (for parcels over 1,000 acres), providing the lead management agency determines the timber resource management is not in conflict with the primary management objectives of the parcel.
- Defines "practicing sustainable forest management" as meeting the needs of the present without compromising the ability of future generations to meet their own needs by practicing a land stewardship ethic which integrates the reforestation, managing,

growing , nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and aesthetics.

- Provides legislative intent that the lead management agency develop a memorandum of agreement with the division to fully reimburse the division for any services provided for the feasibility assessments or timber resource management.
- Requires that all additional revenues generated through multiple-use management be returned to the lead agency and placed in an agency trust fund to be available to the agency in subsequent years to support land management appropriations.
- Mandates that the Land Acquisition and Management Advisory Council, in reviewing the recommendations and plans for state-owned lands, specifically consider management of timber as a feasible multiple-use strategy for state-owned lands.
- Requires that water management districts prepare land management plans in a manner and form prescribed by the governing board of the district and also meet the timber resource management requirements of section 253.034(5), F.S., which addresses the preparation and submission of land management plans.
- Directs the division to immediately begin an aggressive program to reforest and afforest lands over which the division has forest resource management responsibility.
- Provides for four positions and appropriates \$159,461 from the Incidental Trust Fund for fiscal year 1998-1999.

The effective date of this bill is upon becoming a law.

**CS/2ND ENG/HB 3673 -- Aquaculture**

**by the Committee on Agriculture and Representative Bronson**

**(CS/SB 1924 by the Committee on Natural Resources and Senator Bronson)**

- Transfers the regulatory authority for aquaculture to the Department of Agriculture and Consumer Services, with the exception of those areas required by federal law, rule, or cooperative agreement to be regulated by another agency.
- Provides added protection for aquaculture products produced on submerged land leases.
- Clarifies jurisdiction over aquaculture activities and streamlines the permit consolidation process.
- Provides for the harvest or possession of saltwater species for experimental, scientific, education, and/or exhibition purposes.
- Provides that fees may be transferred to the General Inspection Trust Fund to provide marketing and education services with respect to alligator products produced in this state.
- Provides that a list of prioritized research needs for the development of the aquaculture industry be submitted to the leadership of the House and Senate, as well as the Governor, on an annual basis.
- Modifies hunting and fishing licenses.
- Provides for payment of expenses for wildlife seized or taken by the Game and Fresh Water Fish Commission.
- Proposes a user-pay program for private landowners who wish to allow public access for hunting, fishing, and other outdoor recreational activities on their land.

The effective date of this bill is July 1, 1998.

**HB 3685 -- Food and Building Permits**  
**by the Committee on Agriculture and Representative Bronson**  
(Passed as SB 230 by the Committee on Agriculture and Senator Ostalkiewicz)

Reenacts sections of the Food Safety Act that were due to sunset on October 1, 1998 unless reenacted. Specifically, the bill:

- Readopts certain provisions regarding food permits and building permits.
- Provides penalties for violations of such permits.

The effective date of this bill is July 1, 1998.

**CS/HB 3693 -- Agricultural Sales**  
**by the Committee on Agriculture and Representative Heyman and others** (Passed as CS/1ST ENG/SB 1294 by the Committee on Agriculture and Senator Gutman)

Revises the "Florida Avocado, Mango, Lime and Tomato Sales Law" to the "Florida Tropical or Subtropical Fruit and Vegetables Sales Law."

Additionally, the bill:

- Directs commercial packers or shippers of tropical or subtropical fruit or vegetables to accept such fruit or vegetables only if delivered in standard industry field containers and provides that violators shall have such produce confiscated. The bill establishes a penalty for this violation and increases penalties for violations of documentation requirements.
- Defines "tropical or subtropical fruit," as avocados, bananas, calamondins, carambolas, guavas, kumquats, limes, longans, loquats, lychees, mameys, mangoes, papayas, passion fruit, sapodillas, and fruit that must be grown in tropical or semitropical regions, excluding citrus fruit.

- Defines “vegetables” as tomatoes, peppers, squash, cucumbers, leafy greens, green beans, eggplant, sweet corn, and cabbage.

The effective date of this bill is October 1, 1998.

**CS/1ST ENG/HB 4051 -- Florida Agricultural Development Act  
by the Committee on Agriculture and Representative Ziebarth  
(CS/CS/SB 1994 by the Senate Committees on Governmental Reform and  
Oversight and Agriculture and Senator Cowin)**

Creates the Florida Agricultural Development Act, establishing the Florida Agricultural Development Authority (authority). The purpose of the authority is to manage programs which assist farmers, beginning farmers, and agribusinesses in acquiring land, improvements, technology, and depreciable agricultural property for the purpose of farming, and soil and water conservation practices, and manage programs which provide financial support to farmers who have transitioned out of existing agricultural activities into new or alternative agricultural crops or that emphasize value-added commodity ventures.

- Establishes beginning farmer loan programs and alternative agriculture assistance programs in which the authority operates as a facilitator between farmers and financial institutions.
- Authorizes the authority to issue tax exempt “aggie bonds” to lending institutions to fund agricultural loans and to participate in any federal programs designed to assist beginning farmers.
- Allows the authority to develop programs to assist qualified producers, processors, and manufacturers of agriculture products and support organizations within the state with financing research and development and other capital requirements or operating expenses.
- Directs the authority to function as a public entity and requires that it be composed of nine members, including the Commissioner of Agriculture or a designee who will act in an ex-officio, non-voting capacity. Five standing members will have 4-year terms, and three at-large members appointed by the Commissioner of Agriculture will have 3-year terms.

- Requires that the authority prepare an annual report to be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.
- Establishes the agricultural development bond pool, which has an annual state volume allocation of \$10,000,000 for the first year.

The effective date of this bill is of the year in which it is enacted or upon becoming a law, whichever is earlier.

**HB 4155 -- Tax Exemption/Products for Livestock  
by Representative Boyd (CS/SB 680 by Senator Kirkpatrick)**

Provides an exemption for the sale of performance-enhancing and growth-enhancing products for cattle and generators used on poultry farms.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 4165 -- Department of Agriculture and Consumer  
Affairs  
by the Committee on Agriculture and Representative Bronson  
(Passed as 2ND ENG/SB 1944 by Senator Thomas)**

Addresses needs and functions in the Florida Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Prohibits administering medications to any thoroughbred horse within 72 hours of being offered for licensed public sale, unless notification is given and the horse is available for examination by the department, and authorizes the collection of blood for testing, establishes penalties, and provides definitions.
- Requires that anyone in the business of transporting dead, dying,

disabled, or diseased animals obtain a permit and provides vehicle and container requirements.

- Allows the department's food and residue laboratories to contract out and conduct analyses for outside agencies or entities requesting services regarding food safety. Authorizes the department to collect fees to be used solely to recover the costs of the services provided.
- Directs the department to post a "closed-for-operation" sign on any food establishment operating without a permit or a revoked or suspended permit. Establishes that it is a second degree misdemeanor to deface or remove such sign or to open for operation without a permit or with a revoked or suspended permit.
- Authorizes the department to create an employees' benefit fund.
- Revises three memberships of the Florida Agriculture Center and Horse Park Authority. Enterprise Florida Inc. replaces the Department of Commerce representative and the Appaloosa and paint breeds are combined into "color breeds." A Paso Fino breed representative is also created.
- Changes the expiration date for membership in the Florida Agricultural Promotional Campaign from July 1 to the anniversary date of the original membership. (This will provide each member with an entire year of benefits.)
- Gives authority for the department to conduct, assist, or cooperate with others in conducting a commercial citrus inventory.
- Requires the department to deem an animal product misbranded if it is not labeled with the official U.S.D.A. inspection legend.
- Allows funding for the Citrus Budwood Registration Program to come from budget transfers within the department's operating budget if the federal government determines that this program cannot be funded from the Citrus Inspection Trust Fund.
- Prohibits fining an owner of a shopping cart found on public property, unless the owner or an employee acting on the owner's behalf removed the cart from the premises of the establishment.

- Provides that nonresidential buildings on farms are exempt from the Florida Building Code and county and municipal codes.
- Repeals the sunset on the Food Safety Act. Repeal of this repealer is needed to maintain the existing regulation over individuals operating retail food establishments.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 4221 -- Amusement Rides**  
**by Committee on Agriculture** (Passed as CS/2ND ENG/SB 1460 by the  
Committee on Agriculture and Senator Forman)

Rewrites and reorganizes the current amusement ride statutes.  
Specifically, the bill:

- Provides safety standards for amusement rides.
- Requires adoption of specified standards and rules.
- Prohibits operation of said rides without permit and affidavit of compliance.
- Provides for testing and inspection of said rides.
- Provides insurance requirements.
- Prohibits specified bungy operations.
- Provides accident reporting requirements.

The effective date of this bill is October 1, 1998.



**HB 4345 -- Citrus Industry/Rulemaking Authority**  
**by Representative Spratt and others** (Passed as CS/CS/1ST ENG/SB  
1046 by Senate Agriculture and Senator Bronson)

Authorizes the Department of Citrus to adopt a rule listing forms used by the department in conducting its business and providing that the list is sufficient notice to the public of the forms' existence. Additionally, the bill:

- Authorizes the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks.
- Allows the Florida Citrus Commission to prescribe by rule that a citrus fruit producer contract must contain certain information considered by the commission to be necessary to protect the producer from deceptive practices.

The effective date of the bill is upon becoming a law.

**1ST ENG/SB 734 -- Fuel Measuring Devices**  
**by Senator Bronson** (HB 4165 by the Committee on Agriculture)

A rule authorization bill:

- Provides for repair and adjustment of fuel measuring devices by meter mechanics.
- Provides for notification of the Department of Agriculture and Consumer Services when seal has been broken and repairs or adjustments made.

The effective date of this bill is April 30, 1998.

**1ST ENG/SB 770 -- Firefighter Training and Certification**  
**by Senator Diaz-Balart** (no House companion)

A Rule Authorization Bill which allows the Division of State Fire Marshal of the Florida Department of Insurance to issue certificates to persons who are administrative and command heads of fire, rescue and emergency services organizations. The certificate exempts such persons from the

physical dexterity portion of the firefighter exam, based on the acknowledgment that such persons are less likely to need physical dexterity and more likely to need advanced knowledge of firefighting and supervisory skills, and is valid only while persons are serving in a positions as administrative and command heads.

- Provides guidelines for certain reexaminations.

The effective date of this bill is July 1, 1998.

#### COMMITTEE ON COMMUNITY AFFAIRS

**CS/1ST ENG/HB 29 -- Ad Valorem Tax Exemption/Non-profits by Community Affairs, Representative Green & others (SB 864 by Senator Meadows)**

- Allows a property owner that qualifies as a charitable organization and that is otherwise entitled to a charitable exemption, but has failed to timely file an application due to an inadvertent error, to file an application for exemption. Requires property appraisers to consider and grant the charitable exemption if it is determined the property would have been entitled to the exemption. Taxes assessed and outstanding tax certificates on such property shall be canceled and, if paid, refunded. This special process applies only to 1994 tax year exemptions and expires 1 year after the bill takes effect.
- Modifies the guidelines for determining profit or nonprofit status for purposes of the property tax exemption.

Except as provided within the bill, the effective date is upon becoming a law.

**1ST ENG/HJR 125 -- Recording of Instruments/County Seat  
by Representative Gay & others (SJR 1610 by Senator Harris)**

Proposes amending the Florida Constitution to allow county records to be filed at branch offices of the county clerk's office. Branch offices are designated by the county commission. The resolution provides ballot language.

If approved at the November 1998 general election, the effective date as an amendment to the Constitution is the first Tuesday after the first Monday in January 1999.

**2ND ENG/HB 627 -- Community Policing Innovations  
by Representative Goode & others (SB 474 by Senator Dyer)**

Provides additional authority to local governments to fund community policing innovation programs within community redevelopment areas and safe neighborhood improvement districts. Includes community policing innovations as an authorized activity of community redevelopment agencies (CRAs).

- Authorizes local governments to use redevelopment trust funds for the development and implementation of community policing innovations.
- Authorizes tax increment revenues to be used to pay for the construction or expansion of administrative buildings for public bodies or police and fire buildings if the construction or expansion is contemplated as part of a community policing innovation.
- Authorizes certain neighborhood districts to use special assessments to fund community policing innovations that include crime prevention activities.
- Exempts local governments or CRAs from complying with existing property disposition procedures under specific circumstances.

The effective date of this bill is upon becoming a law.

**HB 791 -- Municipal Water and Sewer Utilities**  
**by Representative Heyman (SB 950 by Senator Silver)**

Repeals the exclusion from rate limitations of municipal utilities in home rule charter counties with fee regulations established prior to May 1, 1988. This bill would make all municipal utilities providing services to consumers outside their city limits but within the confines of one county, subject to the same fee and rate limitations contained within other subsections of this section of the law. This bill may cause a slight increase in revenue by an indeterminate amount for qualified municipal utilities in home rule charter counties.

The effective date of this bill is upon becoming a law.

**1ST ENG/HB 1555 -- Property Owners/Assessment Notice**  
**by Representative Harrington (CS/SB 492 by Senate Community Affairs and Senator McKay)**

Extends the deadline for noticing petitioners, from 5 to 15 calendar days, of their scheduled appearance before the value adjustment board. Additional notification deadline changes include:

- Requires 30 days written notice, rather than 10 days written notice, as to the time and place for a public hearing to consider the imposition of a special assessment upon property.
- Extends the time of the initial hearing of the county value adjustment board from 45 to 60 days after the notification to certain taxpayers of their property tax assessment.

The effective date of this bill is upon becoming a law.

**CS/CS/HB 1589 -- Small Counties**  
**by Representative Westbrook & others (CS/SB 2086 by Senate Community Affairs and Senator Williams)**

Provides the following relating to small counties:

- Once a small county meets the population requirements and qualifies for certain programs it shall retain that qualification until it exceeds a population of 75,000.
- Authorizes boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes.
- Increases the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties.
- Raises the minimum population level for emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund from 50,000 to 65,000.
- Revises the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution from 50,000 to 75,000.
- Deletes a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplement distribution.
- Deletes the expiration date for annual solid waste and recycling grants to small counties.
- Creates a process for a waiver of permit processing fees under certain circumstances.

The effective date of this bill is July 1, 1998.

**CS/HB 1605 -- Ad Valorem Tax/School Districts**  
**by Finance & Taxation and Representative Eggelton** (CS/SB 124  
 by Senate Community Affairs and Senator Forman)

This bill changes the "Notice of Tax Increase" for school boards to conform with the "Notice of Tax Increase" for all other taxing authorities, which was amended by the 1996 legislature and amends § 200.065(9)(a), Florida Statutes, changing the second "Truth in Millage" (TRIM) advertisement for school boards under certain conditions.

The effective date of this bill is January 1, 1999.

**2ND ENG/HB 1649 -- Veterans' Homes/ Jenkins Veterans Domiciliary**  
**by Representative Gay & others (SB 594 by Senator Brown-Waite)**

Designates the Veterans' Domiciliary Home in Lake City, Florida as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida." In addition, the bill:

- Provides statutory authority for this domiciliary to provide extended congregate care to residents. The effect of the bill is to fully utilize the facility and offer a level of care to veterans not currently offered at the other state-owned nursing home facility in Daytona Beach, Florida.
- The 1996 Legislature appropriated positions and money for this level of care at the Domiciliary. The potential savings to counties in Medicaid costs is positive. The bill eliminates a \$55 Medicaid charge per county resident for those veterans qualified for placement in the assisted care portion of the Veterans' Domiciliary in Lake City, Florida.

The effective date of the bill is April 22, 1998. (See chapter 98-16, L.O.F.).

**1ST ENG/HB 3113 -- Community Contribution Tax Credits**  
**by Representative Fuller, Murman & others (Passed as CS/SB 192**  
**by Senate Ways and Means and Senator Horne)**

Increases the total amount of Community Contribution Tax Credits that may be granted to corporations and insurers that participate in public revitalization projects, such as enterprise zones. The annual increase of allowable credits is from \$2 million to \$5 million.

The effective date of this bill is July 1, 1998.

## **HB 3135 -- Veteran/Term Redefined**

**by Representative Harrington & others** (Passed as SB 1260 by Senator Harris)

Redefines the term "veteran" for the purposes of the Florida law; increases the number of veterans that may benefit from statutory benefits granted to wartime veterans; redefines the Vietnam Era as the time period of February 28, 1961, to May 7, 1975. (Current law designates the Vietnam Era as the time period of August 5, 1964, to May 7, 1975.)

The effective date of this bill is upon becoming a law.

## **2ND ENG/HB 3225 -- Enterprise Zones/Authorizing Certain Credits and Boundary Changes**

**by Representative Murman** ( CS/SB 300 by Senate Ways & Means and Senator Hargrett)

Provides several changes to certain enterprise zones throughout the state, as follows:

- A business purchased in February 1992, within an existing enterprise zone in Tampa, is entitled to all the enterprise zone incentives available at that time through the period of the program's expiration in 1994. Provides that the business is eligible to receive tax credits to which it may be entitled as long as applications for tax credits are made by December 1, 1998. All other requirements of the program apply to the business.
- A certain enterprise zone designated pursuant to statute, (Jackson County, Florida) may apply to the Office of Tourism, Trade, and Economic Development (OTTED) to amend the boundaries of the enterprise zone. This must be accomplished before December 31, 1998, for the purpose of replacing areas not suitable for development. The change in boundaries may not increase the overall size of the enterprise zone. Provides that certain home rule charter counties (Dade) or a consolidated county (Duval) may amend the boundaries of an enterprise zone upon resolution of the governing bodies. The added area may not increase the overall size of the expanded zone more than its original size or 20 square miles, whichever is larger. The expansion must be consistent with the categories, criteria and limitations imposed by statute.

- An extension for one year to the date Dade County may apply to OTTED to amend the boundary lines of an enterprise zone located in the areas of Homestead, Florida where the center of Hurricane Andrew crossed over the state.
- A business located in an enterprise zone in a community impacted by the net ban is eligible for the maximum sales tax exemption for building materials used in the rehabilitation of real property in an enterprise zone and for electrical energy used in an enterprise zone. Also entitles the business in the enterprise zone a property tax credit against the corporate income tax if a specified percentage of its employees are residents of the jurisdiction of the county rather than the enterprise zone. Provides certain time restrictions for which application must be made.
- The sum of \$1.2 million is appropriated from general revenue to OTTED to be administered by Enterprise Florida and used for grants-in-aid to the Technological Research and Development Authority.

The effective date of the bill is July 1, 1998.

**HB 3269 -- Special Districts**  
**by the Committee on Community Affairs and Representative Gay**  
 (SB 1032 by Senator Rossin)

Clarifies certain provisions pertaining to special districts, such as:

- Requires that for independent districts, created by counties or municipalities, with ad valorem taxing powers, the same procedure required to grant such independent districts taxing power (i.e., approval by electorate) must also be used to dissolve or merge the district.
- Provides that candidates for governing boards of *single and multi-county* special districts must qualify by either paying a fee (minimum of \$25 or 3 percent of the salary or honorarium paid for



the office, whichever is more) or by the alternative petition method requiring 3 percent of the district's registered electors or any lesser amount of signatures as provided by other chapters or special acts.

- Amends the provision relating to the date and circumstance of legislative codification of independent special districts' charters; provides that the Legislature may adopt a schedule for the codification process; removes the requirement that no substantive changes be made to a district's charter, as it exists on October 1, 1997, in the codification.
- Authorizes special districts to offer extra compensation programs including lump sum bonus payments to reward outstanding employees, as long as the bonus is not included in the employees' regular base rate of pay and is not carried forward in subsequent years.

The effective date of the bill is upon becoming a law, except that the provision relating to candidate qualification is effective January 1, 1999.

**CS/1ST ENG/HB 3287 -- Affordable Housing (Glitch Bill)**  
**by the Committee on Community Affairs and Representative Gay & others** (CS/SB 1156 by the Senate Committee on Governmental Reform and Oversight and Senator Dyer)

This "glitch bill" clarifies language and updates the action taken by the 1997 Legislature, which reconstituted the Florida Housing Finance Agency (FHFA) as the Florida Housing Finance Corporation (FHFC). Substantive changes include the following:

- Requires that in the event the FHFC does not comply with performance measures outlined in their contract with the Department of Community Affairs, the Governor must direct the Inspector General to investigate such nonperformance. During such time, the Governor may request that the Office of the State Comptroller continue advances sufficient to meet the debt service requirements of the FHFC.
- Provides that the FHFC is an instrumentality of the State of Florida.

- Expands the general powers of the corporation to include a power to bond for infrastructure, primarily related to housing.

The effective date of the bill is upon becoming a law.

**CS/1ST ENG/HB 3345 -- Wrecker Operator/Vehicles and Vessels by Community Affairs, Representative Lacasa & others (CS/SB 710 by Senate Transportation, Senator Silver & others)**

Establishes unlawful activities under city, county, or state operated wrecker operator systems and provides penalties for such prohibited acts. Creates impounded vehicle hold procedures for investigating agencies and wrecker operators. Expands existing wrecker license tax fees and vehicle towing and impounding provisions to include vessels. Extends court imposed vehicle impoundment or immobilization to vehicles leased or rented by certain offenders.

The effective date of this bill is October 1, 1998.

**CS/HB 3369 -- Inland Waterway Management by Community Affairs and Representative Gay (CS/SB 1256 by Senate Natural Resources and Senator Harris)**

This bill authorizes the Florida Inland Navigation District (FIND) and the West Coast Inland Navigation District (WCIND) to enter into cooperative agreements with the Federal Government in order to alleviate problems associated with their waterways. In addition, the bill:

- Expands the scope of cooperative agreements, with Federal, state, member counties and local governments, to include local and regional anchorage management and beach nourishment projects.
- Authorizes FIND and WCIND to enter into cooperative agreements with the United States Army Corp of Engineers for the purposes of

a covenant to share in the costs of acquisition, planning, development, construction, reconstruction, extension, improvement, operation and maintenance of projects.

- Authorizes FIND and WCIND to enter into ecosystem management agreements with the Florida Department of Environmental Protection (DEP).
- Clarifies that a district may waive the requirement for matching funds on a project from member counties and local governments.
- Authorizes DEP to enter into a memorandum of agreement with FIND and WCIND to provide a supplemental process for issuance of joint coastal permits.

The effective date of this bill is upon becoming a law.

**HB 3477 -- Determination of Millage**  
**by Representative Bronson (SB 560 by Senator Bronson)**

Authorizes taxing authorities to adopt the tax levies and budgets of all of their dependent special taxing districts by a single, unanimous vote. The bill provides however, that if a member of the general public requests that the tax levy or budget of a dependent special taxing district be separately discussed and separately adopted, the taxing authority shall discuss and adopt that tax levy or budget separately.

The effective date of this bill is upon becoming a law.

**HB 3863 -- Modifications to the Coastal Zone Protection Act**  
**by Representatives Argenziano and Stabins (SB 1404 by Senator Brown-Waite & others)**

Provides a substantive modification to the Coastal Zone Protection Act which itemizes "nonstructural interior finishings" within the definition of "substantial improvement." The modification serves to make it easier for local governments to understand and implement the pertinent provisions of the Coastal Zone Protection Act, and allows certain property owners to more accurately determine their cumulative costs under the "substantial improvement" provision.

The effective date of this bill is upon becoming a law.

**CS/CS/HB 4181 -- Statewide Unified Building Code**  
**by the Committees on Transportation & Economic Development**  
**Appropriations and Community Affairs and Representative**  
**Constantine & others (CS/CS/SB 1190 by the Senate Committee on**  
**Governmental Reform and Oversight, Senator Clary and Senator Meadows)**

Provides for a Unified Statewide Building Code that encompasses all of Florida's public and private built environment. Specific provisions include:

- Provides that local governments will not re-adopt the code (which will provide immediate uniformity). New editions of the code would be published every third year.
- Provides that statewide technical amendments to the Florida Building Code can be made annually.
- Authorizes local governments to enact technical amendments to the statewide code, which would be effective in the local jurisdiction, subject to the provisions of chapter 553, F.S.
- Provides that the initial interpretation of the Florida Building Code is performed by the local building official; a declaratory statement of interpretation may be issued by the Florida Building Commission.
- Reconstitutes the current Board of Building Codes and Standards within the Department of Community Affairs as the Florida Building Commission.
- Creates new duties for local governments pertaining to the inspection of many facilities now permitted and inspected by state agencies.
- Makes contractors accountable for material code violations and provides fines and disciplinary provisions for all licensees.

- Requires the development of a core curriculum for training related to the Florida Building Code and requires training for all licensees.
- Requires continuing education for engineers and landscape architects.
- Requires the Florida Building Commission to develop a statewide product approval system. Local building officials must accept any state approved products that are being utilized for the purposes which they are approved. However, they may approve new products for use within their jurisdiction under the guise of new technology.
- Expands and changes the promulgating powers of the State Fire Marshal to provide consistent processes with the Florida Building Commission.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 4225 -- Taxation (Property Appraisers Duties)**  
**by Representative Carlton & others** (Passed 1ST ENG/SB 2222 by  
 Senator McKay & others)

Allows property appraisers to correct a material mistake of fact in an appraisal within a one year period, rather than within a 60-day period as provide in current law; allows the property appraiser to directly submit a correction and refund order to the tax collector, rather than first requesting approval for the refund from the Department of Revenue; authorizes tax collectors to implement an installment payment program for delinquent personal property taxes; and prohibits holders of tax certificates from contacting property owners and demanding payment of taxes.

The effective date of this bill is October 1, 1998.

**1ST ENG/HB 4261 -- Ad Valorem Taxation/Tornado Damaged Property**  
**by Representative Bronson & others** (SB 1954 by Senator Bronson & others)

Allows a partial abatement of ad valorem taxes for residential property destroyed or damaged by a tornado, and establishes time limits and procedures for obtaining such partial abatement.

The effective date of this bill is upon becoming a law and shall be retroactive to January 1, 1998, and shall apply to ad valorem taxes levied in 1998.

**CS/CS/1ST ENG/HB 4377 - Comprehensive Planning/Schools  
by Representative Pruitt & others** (Passed CS/2ND ENG/SB 2474 by  
Senate Community Affairs and Senator Lee)

Relates to growth management, land use planning, and school concurrency by including provisions which:

- Renames the Division of Resource Management.
- Defines the term "optional sector plan."
- Requires that the future land use element of a local government's comprehensive plan include certain criteria relating to school siting.
- Modifies de minimis standards for transportation concurrency.
- Revises requirements for imposition of a school concurrency requirement by a local government and for the local government comprehensive plan or plan amendment to implement such requirement.
- Requires adoption of a public schools facilities element before permitting the imposition of a districtwide school concurrency plan.
- Requires intergovernmental coordination requirements be satisfied and provides that certain municipalities are not required to be a signatory of the required interlocal agreement.
- Requires municipalities to evaluate their status and enter into the interlocal agreement when required, and provides effect of failure to do so.

- Directs the state land planning agency to adopt by rule minimum criteria for review and determination of compliance of a public schools facilities element.
- Prohibits local governments from amending comprehensive plans until after adoption of an evaluation and appraisal reports. Revises requirements for evaluation and appraisal reports. Provides for the local planning agency's periodic report on the coordination of the comprehensive plan with public schools.
- Directs school boards to adopt, annually, 10-year and 20-year work programs, in addition to the required 5-year district facilities work program and utilize certain enrollment and population projections.
- Provides direction to school boards with respect to school siting.
- Provides for the implementation of an alternative public schools concurrency system by counties subject to a final order by the Administration Commission.
- Authorizes the adoption of optional sector plans under certain circumstances.
- Requires a municipality to notify the county of voluntary annexation ordinances.
- Revises responsibilities of the Executive Office of the Governor relating to strategic regional policy plans.
- Creates a committee to be appointed by the Governor to review the state comprehensive plan.
- Revises the definition of the state comprehensive plan.
- Revises review responsibilities of the Executive Office of the Governor. Redefines the term "regional policy plan."
- Revises criteria for military base reuse plan and provides conditions for the award of certain grants.
- Adds day care facilities as an issue in the development-of-regional-impact review process.

- Deletes a consistency requirement for certain Florida Quality Developments and adds an element to federal consistency review.
- Creates the Transportation and Land Use Study Committee and requires the committee to report to the Governor and the Legislature.
- Repeals the resource planning and management committee for the Apalachicola Bay Area.

The effective date of this bill is upon becoming a law, except as otherwise provided in the act.

**SB 1700 -- DCA Rulemaking Authority/RAB**  
**by Senator Dyer** *(No House Companion)*

Covers rules relating to the Manufactured Buildings Program within the Department of Community Affairs Division of Housing and Community Development. The bill authorizes the department to adopt rules in the following subject areas:

- Construction and modification requirements for manufactured buildings and building modules.
- Collection and remittance of surcharges to finance the program.
- Reporting requirements for local enforcement agencies.
- Administration of the statewide uniform building energy-efficiency rating system.

The effective date of this bill is upon becoming a law.



**CS/SB 1702 - Rulemaking Authority of the Department of Community Affairs and the Land and Water Adjudicatory Commission/RAB**

**by Senate Community Affairs and Senator Dyer** *(No House Companion)*

- Authorizes the Florida Land and Water Adjudicatory Commission to adopt rules relating to community development and water management districts.
- Requires each local government comprehensive plan to include debt management standards in the capital improvements element.
- Provides for the adoption and review of plan amendments and clarifies that all municipalities are required to adopt land development regulations to implement municipal plans and plan amendments.
- Adds the Department of Environmental Protection to the list of specified agencies that a local government must transmit a complete copy of its proposed plan or plan amendment for review.
- Ensures conformity with the uniform rules of procedure.
- Directs local governments to perform certain activities relating to evaluation and appraisal reports.
- Allows the Department to issue clearance letters, upon request, as to whether a development may be required to undergo development-of-regional-impact review.
- Prevents reviewing agencies from objecting to the use of assumptions and methodologies agreed upon during preapplication procedures. Allows for another preapplication conference to be held if an application for development approval is not submitted within 1 year.
- Provides for supplemental authority to adopt rules pertaining to 1) the criteria for abandonment of developments of regional impact; 2) development orders in designated areas of critical state concern; and 3) procedures and criteria for evaluation of subgrant applications under the federal Coastal Zone Management Act.

The effective date of this bill is upon becoming a law.



## COMMITTEE ON ELECTION REFORM

CS/1ST ENG/HBs 3743 & 3941 -- Election Fraud  
by Representatives Morse, Meek and Garcia (Passed as CS/2ND  
ENG/SB 1402 by Senator Latvala & others)

### *Voter Registration*

- **Voter Registration Card; mailing** -- Requires supervisors of elections to send a voter registration card to a voter's residence address by nonforwardable mail; provides exceptions.
- **Residency; homestead exemption** -- Requires voter to list address where he or she has been granted a homestead exemption, if any; requires the supervisor to forward to the property appraiser the name of each person who registers to vote at an address other than where homestead is claimed; requires the property appraiser to examine each such referral and if the person is not entitled to the exemption, to terminate the homestead exemption and assess back taxes.
- **Photo ID** -- Requires a photo ID for voting. If the elector does not have a photo ID, the elector must fill out an affidavit attesting to the elector's identity and eligibility to vote.
- **Central Voter File; database comparison** -- Requires periodic cross-referencing of the Central Voter File against other databases to identify ineligible voters.
- **Voter Registration Form; Social Security Number** -- Requires voter to submit the last four digits of his or her Social Security Number on the voter registration application.

### *Absentee Voting Procedures*

- **Third Party Ballot Requests; telephone requests** -- Limits telephone and written requests for absentee ballots to the elector, the elector's immediate family, or the elector's legal guardian. Requires certain information regarding the voter and the requestor.
- **Ballot envelope; voter's certificate; instructions** -- Includes a notice of the potential for felony penalties.

- **Identification of Absent Elector** -- Requires the absent elector to include the last four digits of his or her Social Security Number on the Voter's Certificate.
- **Ballots; delivery to voters** -- Authorizes the following four delivery methods:
  1. Mail absentee ballots non-forwardable to mailing address on file with the supervisor, with several exceptions.
  2. By personal delivery to the elector.
  3. By delivery to a third-party designee up to 4 days before the day of an election.
  4. By forwarding mail to voters covered under the Uniformed and Overseas Citizens Voting Act.
- **Ballot; marking** -- Requires elector to personally vote the ballot, except electors requiring assistance due to blindness, disability, or inability to read or write.
- **Ballots; witnessing requirements** -- Requires witnessing by either: (1) one notary or other officer authorized to administer oaths; or (2) one registered Florida voter, limited to witnessing five ballots per election (excluding absentee ballot coordinators) required to include signature, printed name, address, registration ID number, and county of registration on ballot envelope.
- **Absentee Ballot Coordinators** -- Each state executive committee of a political party with a candidate running in a general or special election may designate a certain number of absentee ballot coordinators: 10, for a special election for the Florida Senate or Florida House of Representatives; 40, for any other general or special election not exclusively involving municipal or nonpartisan races. The Division of Elections must investigate each designee and may certify only those designees who have not been convicted of an election-related crime. Absentee ballot coordinators may witness an unlimited number of absentee ballots.

- **Administration of Oaths** - Allows any supervisor of elections, deputy supervisor of elections, or employee of the supervisor when so designated, to administer oaths under the election code.
- **Ballots; return** -- Restricts the return of absentee ballots to personal delivery by the elector or mail, except an elector unable to mail or personally deliver the ballot may designate someone in writing to return their ballot. Designees are limited to returning two ballots for electors other than themselves or immediate family members.

### *Crimes/Penalties*

- **Penalties; enhanced penalties for existing crimes** -- The following misdemeanors are enhanced to 3rd degree felonies:
  - Giving something of value to person for registering to vote.
  - Corruptly interfering with voter registration (Subsequent offense is a 2nd degree felony).
  - Soliciting or paying a person to solicit voter registrations for compensation.
  - Unauthorized use, possession, or destruction of voter ID card.
  - Alteration of registration application.
  - Vote selling.
  - Election official or employee attempting to interfere or influence a voter.
  - Interfering with or deprivation of voting rights.
  - Corruptly influencing voting. (Subsequent offenses is a 2nd degree felony).
  - Threats of employers to control votes of employees.
  - Fraudulent use of assumed name in electoral process.
- **Penalties; new crimes** -- New 3rd degree felonies:
  - Vote brokering.
  - Requesting ballot on behalf of another without permission.
  - Marking the ballot of another.

#### New 1st degree misdemeanors:

- Witnessing more than five ballots in an election (other than a notary, other officer entitled to administer oaths, or a certified absentee ballot coordinator).

- Persons returning more than two voted absentee ballots per election to supervisors (other than for themselves or immediate family members).

### *Miscellaneous Provisions*

- **Voter Fraud Hotline; provide election fraud education --** Provides for public service announcements, voter fraud handbooks, etc.
- **Supervisors; expanded authority --** Provides supervisors of elections with statutory authority to investigate election fraud.
- **Electors; mandatory personal appearance before election officials --** Requires a person who registers by mail and has not previously voted in the county to vote in person at the polls or the supervisor's office, except for persons authorized to vote by absentee ballot under federal law, such as military and overseas voters, and the elderly and handicapped, or an elector who is out of the country and will not return before election day.
- **Signature deterioration; updating old signatures; procedure --** Requires supervisors of elections to notify by mail any elector whose ballot is rejected due to a signature variance, and include a voter registration form to be completed and returned by the elector.
- **Instructions to voters at polls --** Requires the supervisor of elections to post a notice at the polls informing voters of potential felony penalties.
- **Pollworkers--** Allows persons who are 17 years of age and who have preregistered to vote to work at the polls.
- **Charter County Commissioners; terms of office --** Allows the governing board of a charter county by ordinance, approved by referendum, to prescribe the date for the commencement of the terms of its members.

Except where certain sections require a different effective date, this act takes effect on July 1, 1998.

**COMMITTEE ON ENVIRONMENTAL PROTECTION**

**CS/1ST ENG/HB 945 -- Environmental Equity and Justice  
by the Committee on Environmental Protection, Representative  
Eggelletion & others (CS/SB 1516 by Senate Committee on  
Governmental Reform and Oversight and Senator Turner)**

Creates the Center for Environmental Equity and Justice within the Environmental Sciences Institute at Florida Agricultural and Mechanical University. The purpose of the center will be to conduct and facilitate research, develop policies, offer education and training, sponsor students as interns, and provide community outreach with regard to environmental equity and justice issues. Provides for the Department of Health to establish a Community Environmental Health Advisory Board to be comprised of low-income residents, representatives of health departments, health care professionals, and elected officials, to identify community health needs and types of services which should be provided.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 1667-- Lake Belt Mitigation Trust Fund  
by the Committee on General Government Appropriations and  
Representative Villalobos (CS/SB 1988 by Senate Natural Resources  
and Senator Diaz-Balart)**

Provides the trust fund needed for the limerock mitigation program provided for in CS/HB 4071. The substance of the original HB 1667, which ultimately passed in CS/HB 4071, was deleted from the bill when the trust fund provisions were added. Provisions in CS/HB 4071 include:

- Imposes a mitigation fee on mining activities taking place in the Dade County Lake Belt.
- Holds the Department of Revenue responsible for the administration, collection, and enforcement of the mitigation fee.

- Requires that all mitigation fee proceeds must be used to conduct mitigation activities appropriate to offset the loss of the value and functions of the mined wetlands.

The effective date of this bill is July 1, 1998, contingent upon CS/HB 4071 being approved by the Governor.

**HB 3125-- Solid Waste Disposal**  
**by Representative Smith (SB 376 by Senator Kirkpatrick)**

Provides for a series of changes to chapter 403, F.S. Specifically, the bill:

- Allows the Department of Environmental Protection to use financial leveraging techniques with regard to funds deposited into the sewage treatment facilities revolving loan program. Any proposed leveraging would need the approval of the State Board of Administration.
- Clarifies that certain solid waste can be disposed of on a person's own property without a permit.
- Prohibits individuals from disposing of materials, on their own sites, which create a public nuisance or adversely affect the environment or public health. Materials that would be specifically prohibited include: white goods; automotive materials (batteries and tires); pesticides; or hazardous substances.
- Allows private landfill operators the option of providing a single financial assurance bond to cover closure costs to either the state or county.

The effective date of this bill is July 1, 1998.



**CS/CS/2ND ENG/HB 3229-- Sales Tax Exemption for Pollution Control Equipment**  
**by the Committees on Finance and Tax, Environmental Protection, Representative Thrasher & others (CS/SB 434 by Senate Committee on Ways and Means, Senator Dyer & others)**

Provides a sales and use tax exemption for any facility, device, fixture, equipment, or machinery used primarily for the control or abatement of pollution or contaminants in manufacturing, processing, compounding, or producing for sale items of tangible personal property at a fixed location, or any structure, machinery, or equipment installed in the reconstruction or replacement of such facility, device, fixture, equipment, or machinery. To qualify, such facility, device, fixture, equipment, or machinery is required to meet the permitted conditions of the Department of Environmental Protection. A sales and use tax exemption is provided for equipment, machinery, or materials required by permit or law that are purchased for the monitoring, prevention, abatement, or control of pollution or contaminants at solid waste management facilities.

The effective date of this bill is July 1, 1998.

**CS/1ST ENG/HB 3427 -- Beach Management Funding**  
**by the Committee on Environmental Protection, Representative Jones & others (CS/CS/SB 882 by Senate Committees on Ways and Means, Natural Resources, Senator Sullivan & others)**

Provides a dedicated funding source for beach management purposes and encourages a more regional approach to beach management. Each year, a specified amount of documentary stamp tax revenue will be deposited in the Ecosystem Management and Restoration Trust Fund to fund beach management. The amounts are \$10 million for FY 1998-99, \$20 million for FY 1999-2000, and \$30 million for FY 2000-01 and each year thereafter. Such funding shall be made available for at least 15 years, providing a total of \$420 million. Additionally, the bill:

- Encourages regional approaches by providing a financial incentive for local sponsors to coordinate projects.
- Requires the Department of Environmental Protection (Department), when determining funding priorities, to consider whether local or regional sponsors have agreed to coordinate the planning, design, and construction of projects.

- Authorizes the Department to implement regional components of the beach management plan and to enter into any necessary agreements.
- Revises the criteria that the Department uses in determining funding priorities to include consideration of whether a local government has a long-term financial plan with designated funding at the local level and consideration of proposed projects that enhance habitat within designated refuges of nesting sea turtles.

The effective date of this bill is July 1, 1998.

**CS/1ST ENG/HB 3701--Hazardous Waste Facilities**  
**by Committee on Environmental Protection, Representative**  
**Fuller & others** (CS/SB 1390 by Senate Natural Resources and Senator  
 Horne & others)

Establishes siting criteria to be used by the Department of Environmental Protection for any hazardous waste facility that manages waste generated off-site. Minimum siting criteria established by the bill provide that:

- Residential areas must be served by at least one arterial road for the purposes of evacuation.
- No facility may be located within 1,000 yards of the arterial roads or any residence.
- No facility may be located within 1,500 yards of any prison, school, nursing home, day care, stadium, place of assembled worship, or any other site where individuals may assemble.
- Additionally, the Department is directed to consider factors such as natural barriers to evacuation routes and potential exposure to any release that may occur during evacuation.

In addition, facilities that treat or store hazardous waste at other sites that they own are exempted from the siting requirements. Exemptions were also created for power generators as defined by state or federal law.

The effective date of this bill is upon becoming a law.

**CS/CS/HB 3705-- Public Records/Clean Air Act**  
**by the Committees on Governmental Operations and**  
**Environmental Protection and Representative Edwards** (Passed as CS/SB 814 by Senate Natural Resources and Senator Dyer & others)

CS/SB 814 provides exemptions from public records disclosure requirements for information provided by a stationary source subject to the Accidental Release Prevention Program. These exemptions are necessary to implement the Accidental Release Prevention Program.

The effective date of this bill is the effective date of CS/SB 812 becoming a law.

**CS/CS/1ST ENG/HB 3717-- Clean Air**  
**by the Committees on Governmental Operations and**  
**Environmental Protection and Representative Edwards** (Passed as CS/SB 812 by the Senate Committee on Governmental Reform and Oversight, Senator Dyer & others)

Creates Part IV of chapter 252, F.S., the "Florida Accidental Release Prevention and Risk Management Planning Act" and allows the Department of Community Affairs (Department) to seek partial delegation from the U.S. Environmental Protection Agency to establish and implement the Accidental Release Prevention Program in Florida. The program is intended to prevent accidental releases of listed toxic, flammable, and explosive substances and to minimize the consequences of those releases. The program is also intended to be a self-sustaining program. Additionally, the bill:

- Provides for certain fee requirements for certain public and private sources.
- Provides prohibitions, violations, and penalties.

- Requires inspections and audits be conducted in order to ensure compliance.
- Authorized the Department to advance a start-up loan of \$400,000 from the hazardous materials account in the Operating Trust Fund to implement the program. This loan will be paid back by 2006.

The effective date of this bill is upon becoming a law.

**HB 3729-- Ash Residue Recycling and Reuse**  
**by Representative Bradley (Passed as SB 1058 by Senator Lee)**

Authorizes the Department of Environmental Protection (Department) to permit recycling and reuse of ash residue produced by waste-to-energy facilities. Recycling and reuse may be permitted provided it meets Department standards and criteria, when demonstrated it will not pose a threat to public health.

The effective date of this bill is upon becoming a law.

**CS/2ND ENG/HB 3771-- Recreational Lands**  
**by the Committee on Environmental Protection and**  
**Representative Sembler & others (CS/SB 1396 by Senate Natural**  
**Resources and Senator Sullivan & others)**

Intended to encourage private landowners to make their lands available to the public as part of the statewide system of greenways and trails, this bill revises the Florida Greenways and Trail Act. The program will encourage private landowners to enter into agreements for the use of their lands. Rights and benefits will be provided to private landowners, including liability protection, tax incentives, and grants. The definition of designation is clarified to explain that designation is a voluntary process and cannot take place without the written consent of the land owner.

Additionally, the bill:

- Describes the process to be used for obtaining designation.
- Clarifies that lands identified in planning materials, maps and other data developed for the Florida Greenways and Trails Program do not infer designation and that maps and other planning materials developed cannot be used to impose any additional land use restrictions on private property.
- Directs the department to erect a suitable memorial honoring Marjorie Harris Carr on the site of the Cross Florida Greenways State Recreation area;
- Permits the Division of State Lands to utilize appraisals submitted by a public agency or nonprofit organization, provided the appraiser was selected from the state's approved list;
- Allows agencies to retain unencumbered funds deposited from P2000 for land acquisition purposes through fiscal year 1999-2000;
- Directs the Game and Freshwater Fish Commission to establish a separate recreational user permit fee of up to \$25, to hunt, fish, or otherwise use land outdoor recreational purposes for specified lands in North Florida; and
- Directs the Board of Trustees of the Internal Improvement Trust Fund to convey specified lands located in Walton County.

The effective date of this bill is July 1, 1998.

#### **CS/HB 4077--Phosphogypsum**

**by the Committee on Environmental Protection and Representative Murman & others** (Passed as CS/1ST ENG/SB 1176 by Senate Committee on Natural Resources and Senator Lee)

Grants the Department of Environmental Protection (Department) authorization to develop rules to ensure that impoundment structures (cooling ponds) and water conveyance piping systems used in phosphogypsum management are designed and maintained to meet critical safety standards. In addition, the bill allows the Department to enter into

an agreement with the Hillsborough County pollution control program to allow for the deposit of those funds received as a result of environmental enforcement into the county's pollution recovery fund. Such funds must be used for activities consistent with the purposes of the Ecosystem Management Trust Fund.

The effective date of this bill is upon becoming a law.

**CS/HB 4107 -- Coastal Redevelopment**  
**by the Committee on Community Affairs and Representative**  
**Wiles & others** (Passed as CS/2ND ENG/SB 1458 by Senate Community Affairs and Senator Latvala & others)

Provides for redevelopment of coastal resort and tourist areas which are deteriorating and economically distressed, making such areas subject to the community redevelopment provisions of chapter 163, F.S. The bill creates a pilot project for redeveloping economically distressed coastal resort and tourist areas in the coastal area of the Atlantic coast between the St. Johns River entrance and the Ponce de Leon Inlet. Specifically, the bill:

- For a particular area within the region to be eligible, requires that all or part of the area must be within: (1) the coastal building zone as defined by § 161.54, F.S., and (2) an economically deprived area as designated by a local government with jurisdiction over the area.
- Encourages local governments to use the full range of available economic and tax incentives within the pilot project areas.
- Exempts construction within the pilot project areas from certain coastal construction permitting criteria pursuant to § 161.053, F.S., provided that the construction is fronted by 1,000 feet of continuous, viable seawall or rigid coastal armoring structure.
- Provides that authorization for the pilot project and related provisions expire on December 31, 2002, and are subject to review by the Legislature prior to that date.

- Provides for the following appropriations:
  - \$500,000 is appropriated from the Grants and Donations Trust Fund for the purpose of residential construction mitigation.
  - \$2,000,000 is appropriated from the Grants and Donations Trust Fund for the purpose of providing Federal Emergency Management Agency state matching funds.
  - \$1,000,000 is appropriated from the Coastal Protection Trust Fund to the Department for FY 1998-99 for research, monitoring, and control of harmful algal blooms, including red tide.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 4117-- Drycleaning Solvent Cleanup**  
**by the Committee on Environmental Protection and**  
**Representative Putnam & others** (Passed as CS/3RD ENG/SB 244 by  
 Senate Natural Resources)

Clarifies eligibility requirements, incorporates Risk-Based Corrective Action (RBCA) cleanup criteria and provides the circumstances under which a site may be reopened for further rehabilitation. Specifically, the bill:

- Provides and updates definitions.
- Creates a \$75 late fee for untimely registration fees.
- Clarifies that any site that is operated or has at sometime in the past operated as a uniform rental or linen supply facility is not eligible for the program.
- Requires that all contamination be reported by December 31, 1998, in order to obtain eligibility.
- Clarifies eligibility requirements by better defining gross negligence provisions. Liability protection is provided to any person whose property has become contaminated due to the operation of a nearby drycleaning facility and whose property has

never been occupied by a business that utilized or stored drycleaning solvents.

- Provides rehabilitation criteria for drycleaning site cleanup by incorporating RBCA Principles. (The cleanup criteria established does not constitute disposal or reuse criteria. Off-site disposal or relocation must be in accordance with all applicable federal, state, and local regulations.)
- Requires that third party liability insurance be purchased by January 1, 1999 for drycleaning facilities and wholesale supply facilities.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 4435-- Brownfields Redevelopment Act**  
**by Representative Constantine & others** (Passed as CS/1ST ENG/SB  
1202 by Senate Committee on Natural Resources and Senator Latvala)

Addresses several glitches that have been identified since the passage of the 1997 Brownfields Redevelopment Act. In addition, other changes have been included in this bill to enhance the usage and success of the program, including specific provisions for additional economic incentives.

- Creates the Brownfield Areas Loan Guarantee Program to review, approve or deny participation in partnerships with local governments, financial institutions, & others for loan guarantees. This will be limited to \$5 million and funds for the program will come from the Nonmandatory Land Reclamation Trust Fund.
- Creates the Brownfield Property Ownership Clearance Assistance Program, which will help clear prior liens on brownfield properties. Funds for this program will come from the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund (created in HB 4441).



- Creates the Center for Brownfield Rehabilitation Assistance at the University of South Florida to work in conjunction with the statewide university system. The Center will be responsible for researching problems related to rehabilitation, providing public service and techniques for rehabilitation, and conducting special research relating to risk-based corrective actions in the rehabilitation of brownfields.
- Provides for the repeal of section 21, chapter 86-159, L.O.F., which will maintain provisions that prohibit the filing of suits against the owner or operator of a petroleum storage system unless the operator has failed to meet specific standards as described in statute.

The effective date of this bill is July 1, 1998.

**1ST ENG/HB 4441-- Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund**  
**by Representative Constantine** (Passed as CS/SB 1204 by Senate Natural Resources and Senator Latvala)

Creates the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, which will be administered by the Office of Tourism, Trade, and Economic Development. The purpose of the Trust Fund is to provide low-interest loans to local governments, community redevelopment agencies, persons or nonprofit corporations responsible for brownfield site rehabilitation to facilitate the redevelopment by purchasing the liens and claims that are currently impediments to the redevelopment efforts.

The effective date of this bill is the effective date of CS/1ST ENG/SB 1202, July 1, 1998.

**1ST ENG/SB 1334 -- Rulemaking Authority/ DEP (RAB)**  
**by Senator Latvala** (no House companion)

Authorizes adoption of rules on quality-assurance requirements for environmental data submitted to the department.

The effective date of this bill is upon becoming a law.

**SB 1336 -- Asbestos Removal/Rulemaking/DEP (RAB)  
by Senator Latvala (no House companion)**

Authorizes the department to establish a fee schedule by rule for the removal of asbestos.

The effective date of this bill is upon becoming a law.

**2ND ENG/SB 1434 -- Coastal Construction/ Rulemaking (RAB)  
by Senator Latvala (no House companion)**

Provides authority for the adoption of rules with respect to coastal construction and excavation, and the exemption of certain activities from permitting requirements. Clarifies the authority to implement certain exemptions without the adoption of rules.

The effective date of this bill is upon becoming a law.

**COMMITTEE ON GOVERNMENTAL OPERATIONS**

**2ND ENG/HB 887--School District Expenditures  
by Representative Sublette & others (CS/SB 1160 by Senate  
Education and Senator Dyer)**

Provides for expanded information in full-page, school board newspaper advertisements relative to tentative budgets. The advertisements shall include graphs which illustrate, in part:

- Historical revenue data.
- Historical student data.
- Historical employee data.

The effective date of this bill is July 1, 1998.

**CS/HB 901--Public Records/Employee Assistance Program  
by the Committee on Governmental Operations and  
Representative Fischer (Passed as SB 112 by Senator Latvala)**

Makes confidential and exempt all records relative to participation in a county or municipal employee assistance program. Communications between a county/municipal employee and personnel or service providers of a county/municipal employee assistance program are also made confidential. Provides for future review/repeal or reenactment.

The effective date of this bill is October 1, 1998.

**CS/HB 1105--Public Records/Minors/Statements  
by the Committee on Governmental Operations and  
Representative Albright & others (Passed as 1ST ENG/SB 348 by  
Senator Cowin & others)**

Provides a public records exemption for identity information in a videotaped statement of a minor who is, or is alleged to be, a victim of sexual battery, lewd acts, or other sexual misconduct. The bill also provides penalties for disclosure of exempted information. Exempted information includes, but is not limited to, that which reveals:

- The minor's face.
- The minor's home, home address, or home telephone number.
- The minor's school address, or school telephone number.
- The minor's church address, or church telephone number.
- The minor's employment address, or employment telephone number.
- The minor's personal assets, when such information identifies the minor as a victim.

This bill took effect on April 11, 1998. (See chapter 98-9, L.O.F.).

**CS/3RD ENG/HB 1125--Notary Publics/Bonds  
by the Committee on Governmental Operations and  
Representative Jones (CS/SB 1130 by Senate Banking and Insurance and  
Senator Grant)**

Addresses numerous provisions concerning notaries public, including the following:

- Clarifies provisions regarding the appointment of notaries public.
- Increases the amount of bond required of notaries public from \$5,000 to \$7,500.
- Provides for solemnizing rites of marriage by notaries.
- Requires notaries public to make reasonable accommodations to provide notarial services to disabled persons.
- Provides for electronic notarizations.
- Provides for civil law notaries in lieu of Florida international notaries.
- Provides educational requirements.

The effective date of this bill is January 1, 1999.

**2ND ENG/HB 1139--Public Records/Rabies Vaccination  
by Representative Sindler & others (CS/SB 1134 by the Senate  
Committee on Regulated Industries and Senator Bronson & others)**

Makes confidential and exempt information identifying the owner of an animal vaccinated for rabies which is contained in the rabies vaccination certificate provided to the animal control authority. Provides for the release of such information in certain circumstances. Provides for future review/repeal or reenactment.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 1613--Public Records/Housing Assistance  
by the Committee on Governmental Operations and  
Representative Dawson-White (CS/SB 140 by Senate Community  
Affairs and Senator Forman)**

Makes confidential and exempt medical history records, bank account numbers, credit card numbers, telephone numbers, and information related to health or property insurance, furnished by an individual to any agency pursuant to federal, state, or local housing assistance programs. Provides exceptions. Provides for future review/repeal or reenactment.

The effective date of this bill is July 1, 1998.

**CS/CS/HB 1637--Domestic Violence/Confidentiality**  
**by the Committees on Law Enforcement & Public Safety and**  
**Governmental Operations, Representative Hill & others** (CS/SB  
118 by Senate Committee on Children, Families and Seniors and Senator  
Holzendorf)

Provides for the creation of the Address Confidentiality Program for  
Victims of Domestic Violence. Additionally, the bill:

- Redefines the offense of domestic violence.
- Establishes requirements for applying for participation in the  
program and provides for removal from the program.
- Establishes criminal penalties related to the program.
- Provides for special absentee voting for participants of the  
program.
- Provides prohibitions for disclosing or receiving information.

The effective date of this bill is October 1, 1998.

**CS/CS/HB 1639 -- Public Records/Domestic Violence**  
**by the Committees on Law Enforcement & Public Safety and**  
**Governmental Operations, and Representative Hill** (SB 116 by  
Senator Holzendorf)

Provides a public records exemption for documents related to the Address  
Confidentiality Program for Victims of Domestic Violence. (See CS/HB  
1637.)

The effective date of this bill is October 1, 1998.

**CS/1ST ENG/HB 1757 -- Florida Single Audit Act**  
**by the Committee on Governmental Operations and**  
**Representative Healey & others** (Passed as 1ST ENG/SB 400 by  
Senator Burt)

Creates the Florida Single Audit Act, the purpose of which is to establish uniform state audit requirements for state financial assistance passed through the state to nonstate entities, to promote sound financial management, to promote audit economy and efficiency by relying on certain federal audits, and to promote improved coordination and cooperation within and between state agencies and nonstate entities receiving state awards. Additionally, the bill:

- Establishes the duties of the Executive Office of the Governor, the Comptroller, and state agencies that award state funds to nonstate agencies to carry out state projects.
- Places conditions on nonstate agencies' (recipients and subrecipients) which receive state funds, and requires recipients and subrecipients of state funds to obtain audits.

The effective date of this bill is July 1, 2000.

**CS/HB 1887--Public Records/Joint Underwriters/Reinsurers  
by the Committee on Governmental Operations and  
Representative Ball (SB 746 by Senator Williams)**

Makes confidential and exempt certain records of the Florida Automobile Joint Underwriting Associations, including records relating to open claims files, underwriting files, open internal audits, privileged attorney-client communications, proprietary information, employee records, and ongoing negotiations. Provides exceptions and limitations. Additionally, the bill exempts portions of meetings relating to open claims files and underwriting files, and provides requirements regarding closed meetings. Provides for future review/repeal or reenactment.

The effective date of this bill is upon becoming a law.

**CS/HB 3061--Airports/Licensing Exemption**  
**by the Committee on Governmental Operations and**  
**Representative Minton & others** (CS/SB 110 by Senate Transportation  
and Senator Hargrett)

Exempts certain airports used exclusively for aerial application or spraying of crops on a seasonal basis from provisions of law addressing the approval of airport sites and the licensing of airports. Requires such airports to work out safe air-traffic patterns with existing airports or approved airport sites.

This bill took effect on April 22, 1998. (See chapter 98-17, L.O.F.).

**CS/HB 3065--Building, Bridge, and Road Designations**  
**by the Committee on Governmental Operations and**  
**Representative Kelly & others** (CS/SB 178 by Senate Transportation  
and Senator Burt & others)

This bill provides for numerous building, bridge, and road designations and directs the Department of Transportation and affected universities to erect suitable markers. Specifically, the bill:

- Designates the Florida Department of Transportation District Five headquarters building located in Volusia County as the "Ben G. Watts Building"
- Designates a specified bridge in Pasco County as the "Father Felix Ullrich Bridge"
- Designates the Fiske Boulevard overpass at Interstate Highway 95 in Rockledge as the "Jack I. Korenblit Overpass"
- Designates the Jacksonville Children's Medical Services Building as the "Richard G. Skinner, Jr. M.D., Children's Medical Services Building"
- Designates the tennis court complex at the University of West Florida as the "Harold 'Skeeter' Carson Tennis Complex"
- Designates the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University as the "Barry and Florence Friedberg Lifelong Learning Center"
- Designates the swim/dive office and training facility at the University of Florida as the "Wayne and Jimmie Carse Swimming and Diving Complex"
- Renames Flint Hall at the University of Florida as the "Keene-Flint Hall"

- Designates the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida as the "Peggy Bates Residence Hall"
- Designates the library tower on the campus of Florida International University as the "Steven and Dorothea Green Library"
- Designates the recording facility donated to the Florida State University as "Critchfield Hall"
- Renames the Florida Resident Access Grant Program as the "William L. Boyd, IV Florida Resident Access Grant Program"
- Renames the Rodman Dam in Putnam County to the "Senator George Kirkpatrick Dam," and provides for the erection of markers

The effective date of this bill is upon becoming a law.

**CS/CS/1ST ENG/HB 3131--Deferred Retirement Option Program/  
FRS**

**by the Committees on General Government Appropriations and  
Governmental Operations and Representative Feeney & others  
(CS/SB 216 by the Senate Committee on Governmental Reform and  
Oversight and Senator Gutman & others)**

Clarifies who is eligible to participate in the Deferred Retirement Option Program (DROP) passed by the 1997 Legislature and when the election to participate must take place; establishes conditions under which a DROP participant may change employers; limits a member of the Special Risk Class whose total accrued value exceeds 75 percent of average final compensation to participation of no more than 36 months in DROP; allows an elected officer who reaches normal retirement date during a term of office to defer the election to participate in the DROP until the next succeeding term and limits how long the elected officer may participate in DROP; and, allows each employee who elects to participate in DROP to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in the DROP.

The effective date of this bill is July 1, 1998. (See chapter 98-18, L.O.F.).



**CS/HB 3173--Retirement Funds/Investment  
by the Committees on Finance and Taxation and Governmental  
Operations and Representative Posey & others (Passed as SB 1462  
by Senator Gutman)**

This bill broadens the availability of investment vehicles, now restricted by current law, for firefighter and municipal police officer trust funds. It allows up to 10 percent of pension trust fund assets to be invested in foreign securities; revises and updates the references to certain federal agencies which insure investments made in chartered savings institutions; increases from 30 percent to 50 percent the permissible equity investment of a fund without a required variance in the approved investment procedures; prevents the taking away of any preexisting legal authority to make equity investments that exceed the requirements of the bill; requires a simple majority vote of the board to approve official business coming before it; provides record-keeping duties of the board's secretary; and, provides for a triennial evaluation of professional money managers for the board.

The effective date of this bill is October 1, 1998.

**CS/1ST ENG/HB 3201--Religious Freedom Restoration Act  
by the Committee on Governmental Operations and  
Representative Starks & others (CS/SB 296 by Senate Judiciary and  
Senator Grant & others)**

Provides that the state may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the government demonstrates that application of the burden to the person:

- Is in furtherance of a compelling state interest; and,
- Is the least restrictive means of furthering that compelling government interest.

Additionally, the bill provides that a violation of this section may be asserted as a claim or defense in a judicial proceeding.

The effective date of this bill is upon becoming a law.

**HB 3261--State Employee Telecommuting Program**  
**by Representative Culp & others (SB 496 by Senator Kirkpatrick & others)**

Abrogates the repeal of the state employee telecommuting program.

The effective date of this bill is October 1, 1998. (See chapter 98-31, L.O.F.).

**HB 3381--Bond Requirements/Public Officers**  
**by Representative Constantine (Passed as SB 222 by Senator Burt)**

This bill addresses bond requirements of public officers and employees. Specifically, the bill:

- Eliminates bond requirements for Treasurer, the Commission of Agriculture, and the Comptroller of the Department of Transportation.
- Allows heads of executive departments to require bonds for officers or employees of their departments, to set the amount of bonds, and to approve the bonds.
- Allows the Parole Commission to require bonds for employees, to set the amount of bonds, and to approve the bonds.
- Authorizes state attorneys to require bonds for full-time investigators and special investigators.

The effective date of this bill is July 1, 1998. (See chapter 98-34, L.O.F.).

**CS/CS/HB 3481--State Planning and Budgeting**  
**by the Committees on General Government Appropriations and Governmental Operations and Representative Culp & others**  
**(Passed as CS/1ST ENG/SB 832 by Senate Governmental Reform and Oversight and Senator Kirkpatrick & others)**

Revises guidelines and requirements for state agencies regarding performance-based budget requests, programs, and performance measures. Revises the schedule for submission of performance-based program budget legislative budget requests. Prescribes additional incentives and disincentives that may be included in the Governor's recommended budget. Revises and creates requirements for state agency strategic plans, annual performance reports, and other reports. Requires that the Governor's recommendations include a financial schedule that provides information on the revenues in the Budget Stabilization Fund. Revises the duties of the Geographic Information Board.

The effective date of this bill is upon becoming a law.

**CS/CS/2ND ENG/HB 3491--Florida Retirement System**  
**by the Committee on Finance & Taxation and Governmental**  
**Operations and Representative Boyd & others (CS/SB 380 by the**  
**Committee on Governmental Reform and Oversight and Senator Williams &**  
**others)**

The bill adjusts contribution rates and certain benefits related to the Florida Retirement System:

- Increases, effective January 1, 1999, the monthly retiree health insurance subsidy payment, for each eligible retiree or beneficiary, from \$3 to \$5 per month for each year of creditable service at retirement up to a maximum of 30 years or \$150.
- Reflects retirement contribution rate changes, effective July 1, 1998, for all classes of the Florida Retirement System (FRS) based on the 1997 Biennial Actuarial Valuation of the FRS
- Reflects contribution rate changes to fund the health insurance subsidy increase.
- Provides that in the event a member accumulates retirement benefits to commence at different normal retirement ages by virtue of having performed duties for an employer which would entitle the member to benefits as both a member of the Special Risk Class and a member of either the Regular Class, Senior Management Service Class, or Elected Officer Class, the amount of benefits payable shall be computed separately with respect to each such age and the sum of such computed amounts shall be paid as provided in law

- Provides that in the event of dissolution of marriage of a retired member and a joint annuitant, such member may make an election to nullify the joint annuitant designation of the former spouse, unless there is an existing qualified domestic relations order preventing such action and benefits shall be paid as if the former spouse predeceased the member.
- Provides that the surviving spouse or other eligible joint annuitant of a member, whose employment is terminated by death within 1 year of such member satisfying the service requirements for vesting and retirement eligibility, shall be permitted to purchase only the additional service credit necessary to vest and qualify for retirement benefits by using the deceased member's accumulated hours of annual, sick, and compensatory leave and any periods of out-of-state service, or in-state service, that the deceased member would have been eligible to purchase prior to death, up to a maximum of one year.
- Provides that if a member dies prior to his or her effective date of retirement on or after January 1, 1999, the spouse at the time of death shall be the member's beneficiary unless such member appropriately designates a different beneficiary subsequent to the member's most recent marriage.
- Provides conditions where a member may purchase creditable service for authorized leaves of absence.
- Provides for purchase of retirement credit for service in a sectarian school or college in this state that is accredited by the Southern Association of Colleges and Schools.
- Clarifies that a member with renewed membership in the Senior Management Service Class may purchase additional retirement credit in the Senior Management Service Class, as applicable, for any postretirement service performed in a regularly established position.

- Clarifies the procedure for canceling any uncashed warrants for retirement benefits and crediting these amounts to the FRS Trust Fund.

Except as otherwise provided in certain provisions of the bill, the effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 3585--Public Hospital Lease**  
**by the Committee on Governmental Operations and**  
**Representative Peaden & others** (CS/CS/SB 1044 by the Senate  
 Committees on Governmental Reform and Oversight and Health Care and  
 Senator Williams)

Makes confidential and exempt records of a private corporation that leases a public hospital or other public health care facility, and makes exempt meetings of its governing board, provided certain conditions are met.

The effective date of this bill is upon becoming a law.

**CS/2ND ENG/HB 3619--Computer Problems/Year 2000**  
**by the Committee on Governmental Operations and**  
**Representative Culp & others** (CS/1ST ENG/SB 1162 by Senate  
 Judiciary and Senator Kirkpatrick & others)

Recognizes potential computer problems that may occur in state agencies due to the date change to the year 2000 and authorizes the Governor and the Administration Commission to reassign resources in the event of a likely computer failure. Additionally, the bill:

- Authorizes the intergovernmental transfer and interchange of public employees with other state agencies.
- Provides for the legislative veto of the reassignment of state resources.

The effective date of this bill is upon becoming a law.

**CS/HB 4351--Legislative Services/JLMC**  
**by the Committee on Governmental Operations and**  
**Representative King & others** (Passed as CS/2ND ENG/SB 1574 by the  
Senate Committee on Governmental Reform and Oversight and Senator  
Grant)

This bill abolishes the Joint Legislative Management Committee and transfers its administrative support function to a newly established Office of Legislative Services; repeals legislation which creates the Joint Legislative Information Technology Resource Committee, effectively abolishing this committee; provides for an Office of Legislative Services rather than a Division of Legislative Services; provides for an Office of Economic and Demographic Research rather than a Division of Economic and Demographic Research; and, makes all necessary conforming changes.

The effective date of this bill is upon becoming a law.

**HB 4395--Volunteers/Nepotism Law**  
**by Representative Boyd & others** (Passed as SB 1898 by Senator  
Cowin)

Provides an exemption for persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services from current restrictions on the employment by public officials of relatives.

Provides that exempted persons may receive reimbursements for the related and incidental costs of their service without loss of their volunteer status.

The effective date of this bill is upon becoming a law.

**CS/CS/1ST ENG/HB 4407--Florida Family Tax Relief Act of 1998**  
**by the Committees on Finance and Taxation and Governmental**  
**Operations and Representative Byrd & others** (CS/SB 1900 by  
Senate Ways & Means and Senator Cowin)

Provides a state sales tax "holiday" on items of clothing having a taxable value of \$50, or less, during the seven day period from August 15, 1998, through August 21, 1998.

The effective date of this bill is upon becoming a law.

**1ST ENG/HB 4457 -- The Ronald Reagan Turnpike**  
**by Representative King** (passed in CS/2ND ENG/SB 1014 by Senate Transportation and Senator Gutman)

Designates the Florida Turnpike as the "Ronald Reagan Turnpike." Additionally, the bill designates other roads, buildings, and bridges, including the following:

- Gratigny Parkway in Dade Co. as "Marlins Expressway"
- A portion of SR 267 in Gadsden Co. as "Pat Thomas Parkway"
- A portion of SR 528 in Brevard Co. as "Kennedy Space Center Highway"
- A portion of Polk Co. Highway as "James Henry Mills Medal of Honor Parkway"
- A portion of NW 167th St. in Miami Lakes as "Zuly Reyes Road."
- SR 50 within Hernando Co. as "Deputy Lonnie Coburn Memorial Highway", etc.
- A portion of State Road 71 as "Pete Peterson Parkway"
- A portion of State Road 71 as Cecil G. Costin, Sr. Boulevard"
- A portion of Coral Way in Miami as "Ofelia Perez-Roura Memorial Way"
- A portion of SW 1st Street in Miami as "Lincoln-Marti Boulevard"
- A Portion of US Highway 29 in Escambia County as "Don Sutton Memorial Highway"
- Designates Jacksonville's Children's Medical Services Building as the "Richard G. Skinner, Jr., Children's Medical Services Building"
- Co-designates the MacArthur Causeway Bridge in Mini-Dade County as the "Trooper Robert G. Smith Bridge"
- Renames the Deerfield Beach High School Outpatient Family Health Center as the "Amadeo Trinchetella Health Clinic"
- Names the new wing at Florida Atlantic University as the "I.A. 'Mac' Mascioli Education Wing"

The effective date of this bill is upon becoming a law.

**CS/2ND ENG/SB 1144--DMS and other Agencies (RAB)  
by the Senate Committee on Governmental Reform and Oversight  
and Senator Gutman (no House companion)**

Provides the necessary statutory authority for the Department of Management Services (DMS) to continue specified rulemaking. The bill specifically addresses 39 DMS rules.

The effective date of this bill is upon becoming a law.

**CS/SB 1332--Public Funds Investment (RAB)  
by the Committee on Governmental Reform & Oversight and  
Senator Latvala (CS/2ND/HB 3661 by the Committee on Governmental  
Operations and Representative Garcia & others)**

- Prescribes rulemaking authority of the Bond Finance Division & State Board of Administration..
- Prescribes rulemaking authority of the State Board of Administration.
- Prescribes rulemaking authority of the Prepaid Postsecondary Education Expense Board.

The effective date of this bill is upon becoming a law.

**COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS**

**CS/1ST ENG/HB 1509 -- Administrative Procedures  
by the Committee on Governmental Rules & Regulations and  
Representative Spratt (Passed as an amendment to CS/SB 1440 by  
Senate Natural Resources and Senator Latvala)**

Amends chapter 120, F.S., the Administrative Procedure Act.



- Codifies petitions requirements for those petitions affecting substantial interests now found in the Uniform Rules of Procedure of the Division of Administrative Hearings.
- Provides that upon receiving a petition, the agency has the duty to review the petition carefully to determine that the petition substantially complies with the petition requirements found in the statute. Requires the agency to provide a detailed explanation of the dismissal without prejudice of a petition and for the dismissal with prejudice of a petition that cannot be cured.
- Provides for a summary proceeding at which an administrative law judge may, upon finding no disputed issues of material fact, refer the case back to the agency for disposition on the disputed issues of law.
- An amendment to this bill contains the substance of SB 2240 by Senator Williams, which provides for the nonsubstantive rewrite of the general grants of rulemaking found in the Florida Statutes.

The effective date of this bill is upon becoming law.

**1ST ENG/HB 3077 -- Medicaid Provider Fraud**  
**by Representatives Goode and Dockery** (CS/SB 1192 by Senate Rules and Calendar and Senators Clary, Williams, and Dyer)

Repeals the amendments to § 409.910, F.S., enacted in chapter 94-251, L.O.F.

- Essentially restores to positions held prior to the 1994 amendments, the State and those persons the State commences civil action against for Medicaid fraud.
- Restores certain affirmative defenses normally available to liable third parties

The effective date of this bill is upon becoming law. Its provisions are retroactive to July 1, 1994, except that any action filed prior to March 1, 1998, and any action or matter relating to such action, shall continue to remain covered by the provisions of Ch. 94-251, L.O.F. If any settlement

agreement relating to such action is filed prior to March 1, 1998, and is altered, overturned, or canceled, then the provisions of Ch. 94-251, L.O.F., shall continue to control the proceedings.

**CS/HB 3167 -- Tax Administration**  
**by the Committee on Finance & Taxation and Representative K. Pruitt** (Passed as CS/1ST ENG/SB 498 by Senate Ways and Means and Senator Sullivan)

Authorizes the Department of Revenue to establish a certified audits pilot program. Under this voluntary program, a certified public accountant (CPA) hired by the taxpayer and at the taxpayer's expense, may audit the taxpayer's books and records.

- Establishes a framework for the pilot program, sets forth CPA qualifications and training requirements, and provides conditions for taxpayer participation.
- Provides incentives for taxpayer participation in the program, including removal of the taxpayer from the department's audit pool for the time periods audited, settlement or compromise of penalties, and abatement of the first \$25,000 of any interest liability and 25 percent of any interest liability in excess of the first \$25,000.
- Provides an appropriation of \$264,798 from the Administrative Trust Fund to the department for the administration of this program.
- Provides that the pilot program shall expire on July 1, 2002.

The effective date of this bill is July 1, 1998.

COMMITTEE ON WATER & RESOURCE MANAGEMENT

## **HB 3251 -- Land Use by the Game & Fresh Water Fish Commission**

**by Representative Boyd & others** (SB 470 by Senator Bronson; passed as part of CS/HB 3673 by the House Agriculture Committee and Representative Bronson and also as part of CS/HB 3771 by the House Environmental Protection Committee and Representative Sembler)

Creates a user-pay program to allow public access for hunting, fishing, and other outdoor recreational activities on private land. Provides a viable option for private landowners who wish to open their lands for public recreation, but seek higher compensation than the Game and Freshwater Fish Commission (GFC) is able to pay through the Type I Wildlife Management Area system. With the development of the user-pay program, the GFC is hoping for a change in the trend that has seen more and more landowners leasing to private hunt clubs rather than to the State.

The effective date of this bill is July 1, 1998.

## **CS/CS/1ST ENG/HB 3421 -- Water Control Districts by the Committees on General Government Appropriations and Water & Resource Management, and Representatives Putnam and Feeney** (CS/SB 1596 by Senate Natural Resources and Senator Rossin)

Modifies chapter 298, F.S., which establishes the basic legal and governance framework for water control districts (WCDs). Most of the changes are technical corrections, such as the removal of obsolete language, the clarification of existing provisions, and corrections to cross-references. However, CS/CS/HB 3421 also makes substantive modifications to chapter 298, F.S., including:

- Changes the quorum requirements for holding elections of the board of supervisors which governs a WCD;
- Provides that landowners with more than 1 acre receive one additional vote for any fraction of an acre greater than a half-acre;
- Provides that the boundaries of WCDs created or authorized by special act can only be modified through legislative action whereas the boundaries of WCDs that exist solely by judicial decree can be modified by circuit court decree; and

- Repeals § 298.337, F.S., which requires that WCDs assess fractional acres as a full acre for property tax assessments.

The effective date of this bill is upon becoming a law.

**CS/HB 3439 -- Lake Panasoffkee Restoration Council**  
**by the Committee on Water & Resource Management and**  
**Representative Kelly** (Passed as CS/SB 592 by Senate Natural Resources and Senator Brown-Waite & others)

Creates the seven-member Lake Panasoffkee Restoration Council, comprised of a variety of interest groups and selected by the Sumter County Commission, to: review the various studies and other research already available about the lake; evaluate whether additional studies are needed; explore funding options for cleaning up the lake; and make recommendations to the Southwest Florida Water Management District (SWFWMD) on how best to restore the lake. SWFWMD would be one of six governmental agency representatives on an ad hoc committee that advises the Restoration Council and helps coordinate restoration efforts.

Appropriates to SWFWMD \$45,000 in general revenue to pay expenses incurred by the Restoration Council.

The effective date of this bill is upon becoming a law.

**CS/HB 3485 -- Governor/Powers & Duties**  
**by the Committee on Water & Resource Management and**  
**Representative Safley** (Passed as CS/2ND ENG/SBs 312 and 2298 by Senate Natural Resources and Senators Brown-Waite, Laurent & others)

Prohibits the Governor from nominating for appointment to the Federal Regional Fisheries Management Councils anyone who has served as a lobbyist for any entity whose interests might be affected by a decision of the Council. The term "lobbyist" is defined as any natural person who is

required to register pursuant to § 11.045, F.S., or the equivalent federal statute and who, for compensation, seeks, or sought during the preceding 24 months, to influence the governmental decision making of a reporting individual or procurement employee, as those terms are defined under § 112.3148, F.S., or his or her agency, to encourage the passage, defeat, or modification of any proposal or recommendation by such reporting individual or procurement employee or his or her agency.

The effective date of this bill is January 1, 1999.

**CS/HBs 3503 and 3329 -- Water Resource Management**  
**by the Committee on Water & Resource Management,**  
**Representative Carlton & others** (Passed as CS/SBs 312 and 2298 by Senate Natural Resources and Senators Brown-Waite, Laurent & others)

Directs the water management districts (WMDs) or the Department of Environmental Protection (DEP) to encourage the use of water usage from the closest sources, whenever practicable, while still recognizing that remote water transports may be necessary for environmental, economic or technical reasons. Additionally:

- Provides that, when evaluating permit applications to transport and use water across county lines, the WMDs or DEP must consider the proximity of the water source to the area of use, feasible alternatives, potential environmental impacts, the effect on existing and reasonably anticipated sources of water, consultations with affected local governments, and the value of existing capital investments in water-related infrastructure made by the applicant.
- Links the "local sources first" analysis with water supply planning by requiring the WMDs or DEP to use applicable districtwide water supply assessments and regional water supply plans as the basis for the consideration of the above factors.

Exempts from the "local sources first" analysis the Central and Southern Florida Flood Control Project; the West Coast Regional Water Supply Authority; reuse of potable reclaimed water and stormwater; water supplied exclusively for bottled water; water used for electrical power production by an electric utility; transfer and use of water by self-suppliers between contiguous private properties; and any water use

permit application pending as of April 1, 1998, with the Northwest Florida WMD.

The effective date of this bill is October 1, 1998.

**CS/1ST ENG/HB 3779 -- Saltwater Fisheries**  
**by the Committee on Water & Resource Management and**  
**Representatives Kelly and Carlton** (Passed as CS/2ND ENG/SB 1506  
by Senate Natural Resources and Senator Latvala)

Attempts to solve the continuing problems faced by the Marine Fisheries Commission (MFC) and the Department of Environmental Protection (DEP) in enforcing state constitutional restrictions on using certain commercial fishing nets in Florida waters by giving the MFC explicit authority to adopt rules to prohibit the possession and sale of mullet harvested in illegal gill or entangling nets. It also would prohibit vessels of certain lengths to have on board gill or entangling nets, as defined in the state constitution, in statute or in MFC rule, or seines larger than 500 square feet in mesh area. Additionally, the bill:

- Extends the moratorium on issuance of new stone crab endorsements until July 1, 2000; and initiates moratoria on the issuance of new blue crab endorsements and marine life endorsements until July 1, 2002;
- Adds penalties for seafood businesses that sell illegally caught fish and shellfish;
- Repeals a law that limited the designation of mullet as a restricted species only in the fall in Panhandle waters; and
- Re-shuffles the percentages of recreational fishing license revenues between the MFC and marine research, which could result in up to \$300,000 in additional revenue for the MFC.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 3807 -- Miami River Commission**  
**by the Committee on Water & Resource Management and**  
**Representative Barriero** (SB 1368 by Senator Gutman; passed as part  
of CS/1ST ENG/HB 4027 by the Committee on Water & Resource  
Management and Representative Littlefield)

Establishes the Miami River Commission, comprised of 36 state, regional and Miami area representatives, to serve as the official coordinating clearinghouse for all projects and public policy pertaining to the Miami River. Also provided for in the bill are the purpose, membership, powers and duties of the commission.

The effective date of this bill is upon becoming a law.

**HB 3825 -- Pine Jog Environmental Education Center**  
**by Representative Merchant** (SB 2478 by Senator Rossin)

Provides for the transfer of specific tracts of land from the Board of Trustees of the Internal Improvement Trust Fund to the Florida Atlantic University Foundation. The land is currently part of the Pine Jog Environmental Education Center, and will continue to be used by Florida Atlantic University for that purpose.

The effective date of this bill is upon becoming a law.

**CS/1ST ENG/HB 4027 -- Regional Water Supply Authorities**  
**by the Committee on Water & Resource Management,**  
**Representative Littlefield & others** (CS/SB 1442 by Senate Natural  
Resources and Senator Latvala)

Provides the statutory changes necessary for local governments in the northern Tampa Bay area to effectuate the governance restructuring of the West Coast Regional Water Supply Authority (WCRWSA), which serves as the primary wholesale supplier of water in the area. Among the modifications to current law:

- Limits, under specific conditions, the ability of member governments of any regional water supply authority, where an interlocal agreement had been signed pursuant to §§ 163.01 and

373.1962, F.S., to challenge decisions through chapter 120, F.S., the Administrative Procedure Act. Included in the interlocal agreements are provisions for member governments to have either waived their rights to challenge or have agreed to participate in alternative dispute resolution.

- Allows for member governments to relinquish to WCRWSA their individual rights to develop potable water sources, without the vote of their electors, except as otherwise provided under the terms of the interlocal agreement.
- Bars member governments from imposing land use restrictions or taxes/fees upon WCRWSA in conjunction with water supply.
- Authorizes WCRWSA to use the powers of Part II of chapter 159, F.S., for the financing of water supply facilities.
- Provides that governmental or quasi-judicial boards or commissions established by local ordinance, general law, or special act, and whose members either serve on, or are appointed by, a member government, may be bound by the dispute resolution procedures set forth in the interlocal agreement.
- Establishes the Miami River Commission (see explanation of CS/1ST ENG/HB 3807 above.)

The effective date of this bill is upon becoming a law.

**1ST ENG/HB 4039 -- State Lands/Special Event Agreements  
by Representative Sanderson (CS/SB 2346 by Senator Campbell)**

Authorizes the Board of Trustees of the Internal Improvement Trust Fund to issue consents of use or leases to riparian landowners and event promoters. The agreements will allow for the installation of temporary structures, such as docks, on sovereign submerged lands for special events. The consents of use or leases are to be for a period not to exceed 30 days.

The effective date of this bill is upon becoming a law.



## **CS/CS/HB 4141 -- Water Resources**

**by the Committees on Environmental Protection and Water & Resource Management, Representative Saunders & others (CS/SB 2356 by Senate Natural Resources and Senator Laurent)**

- Authorizes the South Florida Water Management District (SFWMD) to participate as local sponsor for the Comprehensive Review Study, otherwise known as the Restudy, of the Central and Southern Florida Project for Flood Control and Other Purposes (C&SF Project).
- Assigns to the Joint Legislative Committee on Everglades Oversight the responsibility of monitoring funding and expenditures for all projects and operational changes resulting from the Restudy. The Joint Committee will review the Restudy as an interim project, hold public hearings, and provide written comments to the U.S. Army Corps of Engineers and the SFWMD during the public comment period for the proposed comprehensive plan.
- Requires the SFWMD to obtain legislative authorization, which could be a general appropriation, prior to executing a project cooperation agreement for any project or operational change resulting from the Restudy. The SFWMD would be required to submit certain information, and, during the next Regular Session, the Legislature would have the opportunity to approve, reject, or modify the proposed project or operational change. If the Legislature takes no action, the SFWMD would be allowed to proceed with executing a project cooperation agreement, provided it can meet its financial responsibility without future legislative appropriations.

The effective date of this bill is upon becoming a law.

## **CS/HB 4353 -- Wildlife**

**by the Committee on Water & Resource Management and Representative Littlefield (SB 872 by Senator Kirkpatrick; passed as a part of CS/2ND ENG/HB 3673 by Representative Bronson)**

Provides for modifications of several hunting and fishing permits. The \$10 for 10 days saltwater fishing license is repealed, as is the lifetime sportsman's license for residents 64 years of age and older. A new permanent license for those residents is created. Amends §§ 372.921 and

372.922, F.S., to provide for payment of expenses relative to wildlife seized or taken by the Game and Freshwater Fish Commission. Also amends §§ 372.672 and 372.674, F.S., to allow the Florida Panther Research Management Trust Fund to be used for environmental education programs.

The effective date of this bill is July 1, 1998.

**HB 4409 -- Red Tide Research and Mitigation**  
**by Reps. Bradley and Carlton** (CS/SB 2272 by Senate Natural Resources and Senator McKay; passed as part of CS/2ND ENG/SB 2474 by Senator Lee)

Funding for red tide research is provided for in the General Appropriations Act and in CS/SB 2474. In an amendment to CS/2ND ENG/SB 2474, the additional sum of \$1 million is appropriated from the Coastal Protection Trust Fund to the Department of Environmental Protection for fiscal year 1998-1999. These funds are to be used to provide grants to increase the knowledge of factors that control harmful algal blooms (HABs), including red tide, and to gain knowledge to be used for the early detection of factors precipitating HABs; to accurately predict the extent and seriousness of HABs; and to develop successful control and mitigation of the effects of HABs.

The effective date of this bill is upon becoming a law.

## **HB 4561 -- Marine Fisheries**

**by Water & Resource Management Committee and Representative Carlton (CS/SB 1084 by Senate Natural Resources and Senator Latvala)**

A product of the Joint House/Senate Interim Project on Agency Review and Prioritization, the bill removes obsolete, duplicative and confusing language within chapter 370, F.S., related to saltwater fisheries. Additionally, the bill:

- Combines the various penalty and enforcement sections into one section.
- Deletes conflicting penalties for illegal snook harvest.
- Clarifies inventory paperwork requirements of seafood dealers selling spiny lobster.

The effective date of this bill is upon becoming a law.

## **HB 4791 -- Marine Resources/Rulemaking**

**by the Committee on Water & Resource Management and Representative Carlton (Passed as CS/SB 1440 by Senate Natural Resources and Senator Latvala)**

An omnibus administrative procedures cleanup bill, this legislation is largely a combination of HB 4791, CS/HB 1509, CS/SB 1506 and CS/SB 2240. Specifically, the bill:

- Gives the Department of Environmental Protection (DEP) the authority to adopt rules related to: the issuance of special activity licenses for the capture of saltwater species to be used as brood stock for aquaculture purposes; the administration of a special activity license program, and the relocation of marine turtles, their nests, eggs and hatchlings for conservation purposes. These provisions satisfy the requirements of § 120.536, F.S., which specifies that agency rules which lack specific legislative authority may be shielded from administrative challenge until July 1, 1999, if the agency submits them on a list to the Legislature and persuades the Legislature to adopt enabling law. (Note: A different version of the aquaculture special activity license language was passed in CS/2ND ENG/HB 3673.)

- Codifies certain provisions in the uniform rules of administrative procedures relating to petitions requirements, such as: requiring a more precise statement of revised agency action by the petitioner in the demand for relief; requiring agencies to review petitions for completeness pursuant to certain statutory standards; and providing that where an Administrative Law Judge (ALJ) makes a determination that no disputed issues of material fact exist, the case may be returned to the agency for informal hearing for resolution. It also bars the submittal of any additional issues of disputed material fact if such issues were not initially brought before the ALJ.
- Amends more than 200 sections of law in order to standardize the language allowing general grants of rulemaking authority to various agencies. An interim project of the Joint Administrative Procedures Committee, the bill eliminates unnecessarily broad grants of general rulemaking authority while retaining an agency's essential authority to adopt rules. The bill does not enlarge agency rulemaking authority nor is it intended to diminish existing agency rulemaking authority.
- Gives the Marine Fisheries Commission (MFC) explicit authority to adopt rules to prohibit the possession and sale of mullet harvested in illegal gill or entangling nets. It also would prohibit vessels of certain lengths to have on board gill or entangling nets, as defined in the state constitution, in statute or in MFC rule, or seines larger than 500 square feet in mesh area.

The effective date of this bill is upon becoming a law.

**1ST ENG/SB 1436 -- Water/Wastewater Facility/RAB**  
**by Senator Latvala (no House companion)**

Provides the necessary rulemaking authority for the Department of Environmental Protection (DEP) to set the criteria for categorizing water and wastewater treatment plants, and to establish the levels of

certification and staffing required to operate the various categories of facilities.

The effective date of the bill is upon becoming a law.

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# **I. COMMITTEE ON CIVIL JUSTICE & CLAIMS:**

## **CS/CS/HB 0071 -- Journalist's Privilege**

**by Civil Justice & Claims and Rep. Rojas** (Passed as CS/SB 0150 by Sen. Sullivan)

Codifies and expands the journalist's privilege. Shields journalists from compelled disclosure of sources and other information during judicial proceedings and investigative hearings.

- Establishes a qualified privilege for journalists pertaining to information obtained while gathering news.
- Restricts application of the privilege to traditional journalists and does not protect book authors and others.
- States that the privilege does not apply to physical evidence, eyewitness observations, or visual or audio recordings of crime.
- Provides an exception whereby the qualified privilege could be overcome by a clear and specific showing that: (1) the information is relevant to a pending issue, (2) the information is not available from other sources, and (3) a compelling interest supports disclosure.
- Establishes that publication of information does not result in waiver of the privilege.
- Provides guidelines for the authentication of evidence produced or provided by a professional journalist.

The effective date of this bill is upon becoming a law.

## **CS/HB 0935 -- Legal Process**

**by Civil Justice & Claims and Rep. Warner** (CS/SB 1244 by Judiciary and Sen. Burt)

Amends six sections of the statutes relating to service of legal process and the rate of interest on judgments. Adds some clarifying language and technical modifications to these sections.

- Broadens the options for substitute service on sole proprietors.
- Delineates the authority of the chief judge of each judicial circuit related to the list of certified process servers.
- Allows certified process servers to serve processes originating outside the circuit.
- Fixes the rate of interest at the time a judgment is entered, which relieves the sheriffs of certain duties connected with processes, writs, judgments, and decrees that do not contain the applicable rate of interest.
- Allows the government to apply surpluses derived from executions toward satisfying junior writs.
- Under certain circumstances, requires the plaintiff to deliver a written demand for payment, before an officer could be held liable for failing to pay over money derived from an execution.

The effective date of this bill is October 1, 1998.

## **CS/HB 1597 -- Evidence Hearsay**

**by Civil Justice & Claims and Rep. Thrasher** (CS/SB 1830 by Sen. Horne (1997 session); see also CS/SB 0874 by Rules & Calendar and Sen. McKay)

Overrides the Governor's veto of this bill following the 1997 session of the Legislature. Provides hearsay exceptions under circumstances where the availability of the declarant is immaterial.

- Broadens the scope of evidence admissible under the "former testimony"

exception to the hearsay rule.

- Allows the use of former testimony if the party against whom the testimony is being offered, or the party's predecessor in interest, or a person with a similar interest, had an opportunity and similar motive to develop the testimony.

The effective date of this bill is 60 days after adjournment of the 1998 session of the Legislature (July 1, 1998).

**HB 1749 -- Law Day/Law Week**  
**by Rep. Crow** (SB 0928 by Sen. Campbell)

Establishes Law Day and Law Week as holidays designed to commemorate the role of law in society.

- Designates May 1 as Law Day.
- Designates the days preceding May 1, beginning with Sunday and ending on the Saturday following May 1, as Law Week. Specifies that in the event May 1 occurs on a Sunday, Law Week would begin May 1 and terminate on the following Saturday.

The effective date of this bill is upon becoming a law.

**HB 3271 -- Grand Juries/Members**  
**by Rep. Lippman** (SB 0950 by Sen. Campbell)

Increases the maximum size of a grand jury from 18 to 21 persons. Makes a technical, grammatical change to the statute.

The effective date of this bill is July 1, 1998.

**HB 3303 -- County Court Assessments**  
**by Rep. Brown** (Passed as SB 0200 by Sen. Klein; see also CS/CS/HB 1589 and CS/SB 2086)

Authorizes a county to assign the collection of past due fines and court costs to a private attorney or collection agency. The attorney must be a member in good standing of The Florida Bar. The collection agency must be licensed or registered in the state.

- Requires the board of county commissioners to determine whether an assignment would be cost-effective and requires adherence to established bid practices.
- Allows the county to add a fee to the past due balance to offset collection costs. This fee may not exceed 40 percent of the total fines and costs owed.

The effective date of this bill is July 1, 1998.

**CS/HB 3419 -- Jury Districts/Boundaries**  
**by Civil Justice & Claims and Rep. Minton** (Passed as CS/SB 0552 by Judiciary and Sen. Klein)

Revises the method for creating jury districts in counties with populations that exceed 50,000.

- Permits the creation of jury districts by the chief judge acting with the approval of a majority of the county commissioners.
- Either the chief judge or a majority of the county commissioner may initiate the creation of jury districts.

The effective date of this bill is upon becoming a law.

**HB 3871 -- Product Liability**

**by Civil Justice & Claims, Rep. Warner and others** (Passed as CS/SB 0874 by Rules & Calendar and Sen. McKay)

Modifies the law relating to product liability actions. This is one of six bills produced as a result of extensive hearings conducted by the Committee on Civil Justice and Claims prior to the 1998 session. Portions of this bill, described below, were incorporated into the report issued by the Conference Committee on Litigation Reform.

- Imposes a 12-year statute of repose from the date a product is delivered to the first purchaser or lessee. The statute of repose does not apply if a manufacturer knew of a defect and concealed or attempted to conceal the defect. Also, the statute of repose does not apply if the injury occurred within the 12-year period, but did not manifest itself until after the expiration of the repose period.
- Provides a "government rules defense" for manufacturers and sellers of products. Creates a rebuttable presumption that a product is not defective or unreasonably dangerous if, at the time the product was sold or delivered, the aspect of the product that caused the harm was in compliance with government standards, relevant to the event causing the harm, designed to prevent the type of harm that occurred, and which the manufacturer was required to comply with in order to sell or distribute the product.

The effective date of this bill is October 1, 1998.

**HB 3873 -- Punitive Damages**

**by Civil Justice & Claims, Rep. Warner and others** (Passed as CS/SB 0874 by Rules & Calendar and Sen. McKay)

Strengthens the requirements which apply to claims for punitive damages. This is one of six bills produced as a result of hearings conducted by the Committee on Civil Justice and Claims between September 15, 1997, and February 17, 1998. Portions of this bill, described below, were incorporated into the report issued by the Conference Committee on Litigation Reform.

- Raises the burden of proof by requiring plaintiffs to prove they are entitled to punitive damages by clear and convincing evidence.
- Establishes that the level of misconduct sufficient to support a punitive damage claim is intentional misconduct or gross negligence. Defines gross negligence as "conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the life, safety or rights of persons exposed to such conduct."
- Addresses the vicarious liability of employers or principals for the intentional torts of employees or agents. Requires at least gross negligence on the part of the employer or principal.
- Provides an exception for abuse of children, elderly, and developmentally disabled, and cases involving nursing homes and related facilities. Specifies that current statutory and common law provisions remain in effect with respect to such cases. Also, provides an exception for intoxicated defendants.
- Addresses repetitive claims for punitive damages. Limits the award of punitive damages if punitive damages have previously been awarded against a defendant for the same act or course of conduct. Allows imposition of a subsequent award for

punitive damages if the court determines by clear and convincing evidence that the previous award was insufficient to punish the defendant's behavior.

- Contains provisions related to the recovery of attorneys' fees under s. 400.023, F.S., which provides for the civil enforcement of rights under Part II, of Chapter 400 (Nursing Homes).

The effective date of this bill is October 1, 1998.

**HB 3875 -- Negligence/Commercial Real Property  
by Civil Justice & Claims, Rep. Byrd and others** (Passed as CS/SB 0874 by Rules & Calendar and Sen. McKay)

This bill addresses the civil liability of holders of real property for harms which occur on the premises. This is one of six bills produced as a result of extensive hearings conducted by the Committee on Civil Justice and Claims prior to the 1998 session. Portions of this bill, described below, were incorporated into the report issued by the Conference Committee on Litigation Reform.

- Prescribes a "safe harbor" from civil liability for holders of an interest in commercial real property. Applies to criminal acts which take place on exterior or common areas of the premises and which are committed by third parties. Sets forth a list of nine security measures. If any six of these measures are implemented by the holder of an interest in commercial real property, other than a convenience business, the holder gains a presumption that adequate security was provided to members of the public and others. If the owner of a convenience business implements security measures which are already set forth in the statutes, the owner gains a presumption against liability.
- Limits the liability of a property holder for civil damages arising from harms that befall trespassers. Provides that a property holder is immune from liability to trespassers who are intoxicated, unless the property holder engages in gross negligence or intentional misconduct.
- Defines the terms "discovered trespasser" and "undiscovered trespasser," and describes the duties owed by property holders to persons falling within these categories. Narrows the constructive notice doctrine as it applies to undiscovered trespassers.

The effective date of this bill is October 1, 1998.

**HB 3877 -- Rental Car Liability  
by Civil Justice & Claims, Rep. Flanagan and others** (Passed as CS/SB 0874 by Rules & Calendar and Sen. McKay)

Provides financial limitations on liability for the owners of motor vehicles under the "dangerous instrumentalities" doctrine. This is one of six bills produced as a result of extensive hearings conducted by the Committee on Civil Justice and Claims. Portions of this bill, described below, were incorporated into the report issued by the Conference Committee on Litigation Reform.

- Provides that a lessor of a motor vehicle under a rental agreement for a period of less than one year, and the owner of a motor vehicle who lends the vehicle to a permissive user other than a resident relative, would be financially responsible for strict vicarious liability only up to \$100,000 per person and \$300,000 per incident for bodily injury and \$50,000 for property damage.
- Requires that if the lessee or operator of the motor vehicle is uninsured or under-insured, the lessor or owner shall be liable for an additional \$500,000 in economic damages resulting from the operation of the motor vehicle. Provides that any amounts recovered from the lessee, the operator, or other insurance shall be

applied to reduce the additional \$500,000 of economic damages for which the lessor is liable.

- Specifies that the limitations on strict vicarious liability do not apply to motor vehicles used for commercial activity, unless the commercial activity consists of renting motor vehicles to the general public.
- Does not limit the liability of owners or lessors for injuries resulting from their own negligence.

The effective date of this bill is October 1, 1998.

**HB 3879 -- Negligence Actions  
by Civil Justice & Claims, Rep. Clemons and others** (Passed as CS/SB 0874 by Rules & Calendar and Sen. McKay)

Restricts application of the doctrine of joint and several liability. This is one of six bills produced as a result of extensive hearings conducted by the Committee on Civil Justice and Claims. Portions of this bill, described below, were incorporated into the report issued by the Conference Committee on Litigation Reform.

- Eliminates the application of joint and several liability to that portion of economic damages which exceeds \$300,000. (Specifies that economic damages which exceed \$300,000 shall be determined on the basis of comparative fault)
- Establishes that joint and several liability only applies to defendants whose percentage of fault exceeds 20 percent. (In addition, current law requires that the fault of the defendant must equal or exceed that of the claimant)
- Eliminates application of joint and several to non-economic damages in cases under \$25,000.

The effective date of this bill is October 1, 1998.

**HB 3881 -- Litigation Reform  
by Civil Justice & Claims, Rep. Warner and others** (Passed as CS/SB 0874 by Rules and Calendar and Sen. McKay)

Addresses several areas of litigation reform. This is one of six bills produced as a result of extensive hearings conducted by the Committee on Civil Justice and Claims. Portions of this bill, described below, were incorporated into the report issued by the Conference Committee on Litigation Reform.

- Establishes a series of jury reforms. Directs that jurors in certain civil cases be furnished with notebooks, be permitted to take notes, be allowed to submit written questions to witnesses with approval of the court, and be given final written instructions subject to the court's discretion.
- Provides for an expedited civil trial upon written agreement of the parties which would be conducted with shortened discovery times and a one-day trial.
- Creates guidelines related to voluntary civil trial resolutions. Permits the appointment of a trial resolution judge, to be selected and compensated by the parties.

- Establishes standards for the award of expert witness fees as taxable costs.
- Provides for sanctions against parties and attorneys who file unfounded claims or defenses. Creates exceptions if the attorney acted in good faith based on a client's representations as to material facts or if the claim or defense was presented as a good faith attempt to change existing law. Provides for sanctions against those who take actions with the primary purpose of causing unreasonably delay.
- Modifies the requirements of the itemized jury verdict form to eliminate the itemization of future damages and reduction to present value.
- Revises the offer of judgment statute to address multiple party offers of judgment and the effect of subsequent offers of judgment.

The effective date of this bill is October 1, 1998.

**HB 4143 -- Emergency Telephone Services/ "911"**  
**by Rep. Edwards and others** (CS/SB 2164 by Judiciary and Sen. Latvala)

The bill adds commercial mobile radio service providers, also known as wireless/cellular telephone service providers, to the existing provisions on limitation of liability in connection with the provision of "911" services.

- Establishes that a commercial mobile radio service provider may not be liable for damages in connection with "911" service unless it acted with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
- Provides that a commercial mobile radio service provider may not be liable for damages connection with the rendering of assistance to any investigative or law enforcement officer of the government unless it acted in a wanton and willful manner.

The effective date of this bill is upon becoming a law.

**HB 4749 -- Medical Malpractice Insurance (NICA)**  
**by Civil Justice & Claims, Rep. Byrd and others** (Passed as CS/SB 1070 by Judiciary and Sen. Sullivan; see also CS/HB 823, CS/SB 1056, SB 1768)

Provides that the determination of whether a claim is covered under The Florida Birth-Related Neurological Injury Compensation Plan (NICA) must be determined exclusively by an administrative proceeding.

- Permits the hospital or the participating physician to give the obstetrical patient a NICA notice form and have the patient sign a form acknowledging receipt. The patient's signature creates a rebuttable presumption that the notice requirements have been met.
- Provides that the doctrines of res judicata and collateral estoppel may not bar future civil actions. Establishes that findings of fact by an administrative law judge are not admissible in subsequent civil actions. Provides that any person's sworn testimony and any of the exhibits introduced into evidence in the administrative proceeding, are admissible in a subsequent civil action for the purpose of impeaching a party to the administrative action.
- Limits NICA to investing association money in investments and securities described in s. 215.47, F.S.

The effective date of this bill is July 1, 1998, except as otherwise provided.

**SB 0898 -- Postconviction/Capital Cases**

**by Sen. Burt** (see CS/HB 3175 by Crime & Punishment and Rep. Crist)

Repeals Rule 3.852 of the Florida Rules of Criminal Procedure, thereby abolishing the public records discovery rules relating to postconviction proceedings established by the Florida Supreme Court in October 1996.

The effective date of this bill is October 1, 1998.

**CS/SB 1328 -- Capital Collateral Proceedings  
by Criminal Justice and Sen. Burt**

Provides for the representation of certain death-sentenced defendants by attorneys in private practice instead of state-employed attorneys with the Capital Collateral Regional Counsel (CCRC).

- Would permit the CCRC to continue to represent current clients; however, attorneys in private practice would be appointed to represent death-sentenced defendants who were previously represented by private counsel and who are not represented at the time this bill becomes law.
- Requires the Justice Administration Commission (JAC) to maintain a registry of attorneys who are statutorily qualified to represent defendants in postconviction capital collateral proceedings.
- Provides that the Attorney General would notify the JAC when ninety-one (91) days have elapsed since the Florida Supreme Court issued a mandate on a direct appeal, or when the U.S. Supreme Court has denied a petition for certiorari, or when a person under a death sentence who was previously represented by private counsel is currently unrepresented in a postconviction capital collateral proceeding. Upon notification by the Attorney General, the JAC would immediately notify the trial court that imposed the death sentence and the judge would then appoint private counsel from the registry.
- Provides a schedule of fees for the payment of private counsel and investigators.

The effective date of this bill is July 1, 1998.

**CS/SB 1330 -- Capital Cases/Administration  
by Criminal Justice and Sen. Burt** (see HB 4521 by Rep. Alexander and others)

Requires the Secretary of State to establish and maintain a records repository for the purpose of archiving capital postconviction records.

- Requires the state attorney, local law enforcement agencies, and the Department of Corrections to submit to the repository all relevant public records produced in a death penalty case. Requires other agencies to submit records relevant to the case.
- Requires postconviction counsel to review the records in the repository and file a written demand for additional agency records within 90 days of appointment. If the agency objects to the demand, the trial court must resolve the dispute within 30 days. The trial court may only order additional records production if it makes specific findings.
- Prohibits postconviction counsel from making any additional public records requests. However, if postconviction counsel can, through an affidavit, establish

that the agency still possesses relevant public records, the trial court may order them produced under certain circumstances.

- Provides that postconviction counsel must give written notification of each pleading filed and the name of the person filing the pleading to the Commission on the Administration of Justice in Capital Cases and to the trial court assigned to the case. Provides that a notice of hearing must be filed with each pleading with the court in a capital case.

The effective date of this bill is October 1, 1998.

### **CLAIM BILL SUMMARIES**

#### **HB 0653 -- Relief/Dena Sheryl Steels/Leon Co. By Rep. Lawson (SB 0038 by Sen. Thomas)**

- This is an excess judgment/settlement for \$200,000 to compensate for the wrongful death of her son, resulting from negligence of the City of Tallahassee & Leon County School Board.
- The City of Tallahassee and the Leon County School Board are directed to draw funds each in the amount of \$100,000 not otherwise appropriated.

This act shall take effect upon becoming law.

#### **HB 0939 -- Relief/Dale R. Cowie/ DMS by Rep. Melvin (Passed as SB 0020 by Sen. Clary)**

- This is an equitable claim for \$15,401.77, against the Department of Management Services to compensate Claimant for expenses incurred in performing work as a subcontractor on the Jackson Correctional Institution Project.
- The funds are to be drawn from General Revenue.

This act shall take effect July 1 of the year in which enacted.

#### **HB 0941 -- Relief/Ray Construction/DOR by Rep. Melvin (Passed as SB 0018 by Sen. Clary)**

- This is an equitable claim for \$18,230.46, against the State of Florida, Department of Revenue to compensate claimant for excess documentary stamp assessments.
- The funds are to be drawn from General Revenue.

This act shall take effect July 1, of the year in which enacted.

#### **HB 1711 -- Relief/Michelle Ponce/Dade Co. by Rep. Rojas (Passes as SB 0006 by Sen. Meadows)**

- This is an excess judgment claim/consent judgment for \$410,000, against Metropolitan Dade County to compensate her for injuries and damages sustained as a result of negligence.
- The Metropolitan Dade County is directed and authorized to appropriate from funds of the county not otherwise appropriated.

This act shall take effect upon becoming law.

#### **HB 1713 -- Relief/Frank H. Holliday/Manatee County**



**by Rep. Sembler** (Passed as SB 0044 by Sen. Turner)

- This is an equitable claim/settlement for \$235,000 between Manatee County and the claimant for injuries and damages sustained as a result of negligence of Manatee County Sheriff's Department.
- The Sheriff's Department is authorized and directed to appropriate from funds of the department not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 1717 -- Relief/Lazaro Gutierrez/Dade County**

**By Rep. Lippman** (Passed as SB 0016 by Sen. Turner)

- This is a Consent Judgment/Settlement for \$2,973,246 between Dade County School Board and the claimant for injuries and damages sustained as a result of negligence.
- The Dade County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 1767 -- Relief/Heather Roszell/State of Florida, Board of Regents, & Hillsborough County Hospital**

**By Rep. Murman** (Passed as SB 0008 by Sen. Grant)

- This is an equitable claim/settlement for \$3,550,000 between State of Florida, Board of Regents, Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital, and the claimant for injuries and damages sustained as a result of negligence.
- The Board of Regents is authorized to direct the expenditure from the university of South Florida Self-Insurance Program Accounts.
- Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital, is authorized and directed to appropriate funds of the district not otherwise appropriated.

This act shall take effect July 1, 1998.

**HB 1769 -- Relief/Tirini S. Riley/Broward Co.**

**By Rep. Bradley** (Passed as SB 0014 by Sen. Forman)

- This is an excess judgment/consent claim for \$1,000,000, against Broward Co. for injuries sustained out of an accident that occurred while she was a patient of the Hospital.
- South Broward Hospital District, d/b/a Memorial Hospital, is authorized and directed to appropriate from funds of the hospital district not otherwise appropriated.

This act shall take effect July 1, 1998.

**HB 1771 -- Relief/Juan A. Garcia, Jr./City of Miami Beach**

**By Rep. Villalobos** (SB 0004 by Sen. Forman)

- This is an excess judgment claim/consent judgment/settlement, against the City of Miami Beach for \$1,050,000, for injuries and damages sustained as result of negligence of the City of Miami Beach.
- The City of Miami Beach is authorized and directed to appropriate from funds of the city not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 1881 -- Relief/David Kelley and the Estate of Alto Kelley/DOT**  
**By Rep. Ritter** (Passed as CS/SB 0002 by Transportation and Sen. Childers)

- This is an equitable claim/settlement for \$1,400,000, appropriated from the State Transportation Trust Fund to the Florida Department of Transportation.

This act shall take effect July 1, 1998.

**HB 2135 -- Relief/Franklin Messick/Collier Co.**  
**by Rep. Saunders** (Passed as SB 0030 by Sen. Saunders)

- This is equitable claim for \$101,639.55, against Collier County, for wrongful death of his son, Arthur D. Messick, which occurred as a result of the negligence of Collier County.
- Collier County is directed to appropriate from funds of the County not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 3025 -- Relief/Triesa Wells/Pembroke Pines**  
**by Rep. Ritter** (Passed as SB 0022 by Sen. Campbell)

- This is an Equitable Claim/Settlement for \$499,000, against the City of Pembroke Pines, to compensate the claimant for injuries which she suffered when her vehicle was struck by a City of Pembroke Pines Police Vehicle.
- The City is directed to appropriate from funds of the city not otherwise appropriated.

This act shall take effect July 1, 1998.

**HB 3027 -- Relief/Kathryn Malloy/Palm Beach**  
**By Rep. Silver** (Passed as SB 0032 by Sen. Silver)

- This is a claim for \$86,050 for Kathryn Malloy (Sperdute) for injuries suffered in an accident that was caused by negligence of an employee of Palm Beach County School Board.
- Palm Beach County School Board is authorized and directed to appropriate out of funds of the school board not otherwise appropriated.

This act shall take effect July 1, 1998.

**CS/HB 3029 -- Relief/Carrie A. Wilson/Duval County**  
**By Civil Justice & Claims and Rep. Thrasher** (Passed as SB 0036 by Sen. Horne)

- This is an excess judgment claim for \$1,150,000, for permanent injuries sustained when she injured her left leg and foot while she was a student at Dupont Middle School in Jacksonville.

- Duval County School Board is authorized and directed to appropriate the amount of \$1,150,000 to compensate for injuries sustained due to negligence of the School Board. The balance of \$1,150,000 shall be paid in four equal annual installments commencing 30 days after enactment.

This act shall take effect upon becoming law.

**CS/HB 3031-- Relief/Adela Azcuy/Metro Dade County**

**By Civil Justice & Claims and Rep. Barreiro** (Passed as SB 0026 by Sen. Turner)

- This is an excess judgment claim for \$144,000 for injuries suffered as result of negligence of Dade County.
- The appropriate financial authority for Metropolitan Dade County is directed to appropriate a warrant in favor of Adela Azcuy.

This act shall take effect July 1, 1998.

**CS/HB 3035 -- Relief/Freddie Pitts & Wilbert Lee/State of Florida**

**By Civil Justice & Claims and Rep. Meek** (SB 0068 by Judiciary and Sen. Holzendorf)

- The Division of Administrative Hearings is directed to appoint an administrative law judge to conduct a hearing and determine whether a basis for equitable relief exists for the purpose of compensating claimants.
- If the administrative law judge determines that the State of Florida, or officials, thereof, committed a wrongful act, the Comptroller is authorized to draw a warrant not to exceed \$500,000 each, and reasonable attorney's fee not to exceed 25% of the compensation awarded.

This act shall take effect upon becoming law.

**CS/HB 3037 -- Relief of Bruce Wiggins/Metropolitan Dade County**

**By Civil Justice & Claims and Rep. Cosgrove** (Passed as SB 0034 by Sen. Casas)

- This is a verdict-based excess judgment claim to compensate the estate of Helen Wiggins for her death as result of the negligence of Metropolitan Dade County.
- The Board of County Commissioners of Metropolitan Dade County is authorized and directed to appropriate from funds of the county not otherwise appropriated the sum of \$1,522,665.
- The portion of the settlement for the children shall be placed in structured annuities.
- Payment due any lienholders as a result of medical expenses shall be paid directly from Dade County to the lienholders, after being reduced by a sum that is the lienholder's proportionate share of attorneys' fees and costs.
- Prior to the disbursement of funds to the claimant, the governmental entity responsible for payment shall make payment to the Florida Agency for Health Care Administration for satisfaction of any and all Medicaid liens. The lien amount shall be calculated up to the date that this bill becomes law.

This act shall take effect upon becoming law.

**CS/HB 3041 -- Relief of Frank Roster/Department of Transportation (DOT)**

**By Civil Justice & Claims and Rep Miller** (Passed as CS/SB 0028 by Transportation and Sen. Forman)

- This is a verdict - based Excess/Judgment claim for \$4,600,000, and transfer of existing spending authority from unappropriated trust fund balances in the Department of Transportation.
- The governmental entity responsible for payment of the warrant shall satisfy any and all Medicaid liens for past benefits provided prior to the disbursement of funds to the claimant.

This act shall take effect July 1, 1998.

**HB 3045 -- Relief of Penny Tilley/Florida Retirement System**  
**By Rep. Boyd** (Passed as SB 0066 by Sen. Williams)

- This is an equitable claim for \$3,973.68, and thereafter \$331.14 a month, and an annual cost of living allowance.

This act shall take effect July 1, of the year in which enacted, except that this act shall not take effect if an amendment adding subparagraph (f)1. to subsection (7) of section 121.091, F.S., becomes law.

**CS/HB 3047 -- Relief/Michelle Jones/West Volusia Hospital Authority**  
**By Civil Justice & Claims and Rep. Lynn** (Passed as SB 0054 by Sen. Dyer)

- This is a consent verdict-based, excess judgment claim in the amount of \$1,972,540, West Volusia Hospital Authority is directed to appropriate from funds not otherwise appropriated.

This act shall take effect upon becoming law.

**CS/HB 3051 -- Relief of Jemal Kurein/City of Tampa**  
**By Civil Justice & Claims and Rep. Miller** (Passed as SB 0052 by Sen. Grant)

- The City of Tampa is authorized to appropriate from funds not otherwise appropriated in the sum of \$290,930.30 payable to Semira Kurein.
- Payment to the Florida Agency for Health Care Administration shall be reduced by the agency's proportionate share of legal costs and attorney's fees. The amount due to the agency shall be calculated based on Medical payments paid up to the date that this bill becomes law.

This act shall take effect upon becoming law.

**HB 3055 -- Relief of Bruce and Janie Silverman/North Broward Hospital District**  
**By Rep. Tobin** (Passed as SB 0040 by Sen. Campbell)

- This is a settlement agreement for \$1 million to compensate for the death of Alexandra Silverman while in the care of the Coral Springs Hospital.

This act shall take effect upon becoming law.

**CS/HB 3057 -- Relief of Jeanette Alonso/Dade County**  
**By Civil Justice & Claims and Rep Ritter** (Passed as SB 0060 by Sen. Gutman)

- This is an excess judgment/settlement for \$3,800,000, payable to the court-appointed guardian.

This act shall take effect upon becoming law.

**HB 3079 -- Relief of Julie McGinnes/Palm Beach County**  
**By Rep. Andrews** (Passed as SB 0056 by Sen. Klein)

- This is a pre-trial settlement. The Board of County Commissioners of Palm Beach County is directed to appropriate from funds not otherwise appropriated a warrant in the sum of \$1,025,000 payable to claimant.

This act shall take effect upon becoming law.

**HB 3081 -- Relief of Matthew White/Alachua County**  
**By Rep. Casey** (Passed as SB 0070 by Sen. Klein)

- This is an excess judgment claim; the Alachua County Sheriff's Department is directed to appropriate from funds not otherwise appropriated in the sum of \$275,000 payable to Matthew White.

This act shall take effect upon becoming law.

**CS/HB 3085 -- Relief of Kimberly L. Gonzalez/Palm Beach County Sheriff's Dept.**  
**By Civil Justice & Claims and Rep. Healey** (Passed as CS/SB 0058 by Ways & Means and Sen. Meadows)

- This is an excess judgment/settlement in the amount of \$71,790.67. The Palm Beach County Sheriff's Department is directed to appropriate from funds not otherwise appropriated to pay claimant.
- Requires the claimant and claimant's attorney to repay the Medicaid lien, which will be based on medical payments paid up to the date that this act becomes law.

This act shall take effect upon becoming law.

## **II. COMMITTEE ON CORRECTIONS:**

**CS/HB 3539 -- Notification of Escaped Prisoner**  
**by Corrections, Rep. Ritter and others** (Passed as CS/SB 0930 by Criminal Justice and Sen. Campbell)

Requires correctional institutions to immediately notify the appropriate sentencing judge and state attorney upon the escape of an inmate from a state, local, or juvenile correctional facility, including public and private facilities.

- Clarifies applicability of escape notification requirements to private correctional facilities.
- Requires institution to also notify the appropriate state attorney and sentencing judge when the escaped offender is subsequently captured and returned.

The bill is effective upon becoming law.

**CS/HB 4455 -- Mobile Surgical Facilities**  
**by Corrections , Rep. Brooks and others** (CS/CS/SB 1728 by Health Care, Criminal Justice and Sen. Bronson)

Creates licensing requirements for mobile surgical facilities.

- Authorizes the Agency for Health Care Administration (AHCA) to license and regulate mobile surgical facilities under Chapter 395. The bill's licensing requirements do not appear to interfere with the contract that the existing mobile surgical facility has with the Department of Corrections.
- Defines mobile surgical facilities to only include such facilities under contract with the Department of Corrections. Also includes mobile surgical facilities in the definition of "ambulatory surgical center."
- Specifically exempts mobile surgical facilities under contract with the Department of Corrections from the Chapter 408 requirements to procure a certificate of need.
- Authorizes AHCA to inspect mobile surgical facilities at initial licensure and again each time a new location is established, unless the facility is moved to a temporary location where medical treatment will not be provided.
- Authorizes AHCA to establish separate minimum standards for mobile surgical facilities.
- Requires licensed mobile surgical facilities to pay an annual assessment on health care entities as required in §395.7015(b)(2).

The bill is effective upon becoming law.

### **III. COMMITTEE ON CRIME & PUNISHMENT:**

**HB 0065 -- Crime Prevention Assistance**  
**by Reps. Constantine and Culp** (SB 0982 by Sen. Kurth)

The bill repeals Chapter 426, F.S.

Chapter 426, F.S., was enacted in 1984 to allow housing authorities to carry out crime prevention and security programs to reduce the victimization of handicapped and elderly residents. The program was to be funded by fines imposed in certain criminal cases, however, the fines were rarely imposed or collected. The trust fund associated with this program was repealed in 1993.

The effective date of this bill is upon becoming law.

**CS/CS/HB 0327 -- Criminal Mischief/Graffiti**  
**by Governmental Operations, Crime & Punishment, Rep. Rojas and others** (Passed as SB 0444)

- Authorizes local government to impose mandatory sentences for a violation of a graffiti related ordinance.
- Provides that a conviction for a second misdemeanor criminal mischief (including graffiti) is to be reclassified as a third degree felony.
- Provides that local ordinances penalizing graffiti are not preempted by state law.
- Provides an exception for graffiti related offense to the general requirement that a law enforcement officer may not arrest a person for a misdemeanor offense that did not occur in the presence of the officer.

The effective date of this bill is October 1, 1998.

**CS/CS/HB 0679 -- Weapons and Firearms/Domestic Violence  
by Law Enforcement & Public Safety, Crime & Punishment, Rep. Lynn and others (SB  
1582 by Sen. Kurth)**

- Creates a first degree misdemeanor offense for the possession of a firearm or ammunition by a person who has been issued a final injunction for domestic violence. This provision applies only as long as the injunction is in effect.
- Provides an exception for certified law enforcement officers who possess a firearm for official duties.
- Provides that a license to carry a concealed weapon may not be issued if a person has an injunction that prohibits repeat violence or domestic violence. This prohibition only lasts as long as the injunction is in effect.
- Provides that a license to carry a concealed weapon shall be revoked and shall not be issued, if a person has been sentenced for a violent misdemeanor and the sentence has not expired within the last three years.

The effective date of this bill is July 1 of the year in which enacted.

**CS/HB 0767 -- Bad Check Charges  
by Crime & Punishment and Rep. Hill (SB 0212 by Sen. Meadows)**

- Amends statute governing civil action to collect worthless checks by including checks upon which the maker has stopped payment with the intent to defraud.
- Amends statute governing service fee to be collected by governing bodies to correspond with the fees announced in s. 832.08(5).
- Amends statute governing prima facie evidence of identity by deleting the requirement that the check maker's race be established in order to prove identity.

The effective date of this bill is October 1, of the year in which enacted.

**HB 1317 -- Leased Personal Property/Defraud  
by Rep. Argenziano and others (CS/SB 1028 by Commerce & Economic Development and  
Sen. Gutman)**

- Creates a first degree misdemeanor penalty for knowingly possessing equipment used for the unauthorized reception of any cable service.
- Creates a first degree misdemeanor penalty for advertising the sale of equipment used for the unauthorized reception of any cable service.
- Provides that there is prima facie evidence of fraudulent intent, if a person fails to redeliver leased property within 5 days after receipt of the certified demand for the return of the leased property. Notice of this provision must be initialed by the person leasing or renting the property.
- Provides that failure to pay money due on leased or rental property after the demand for return is made, is prima facie evidence of intent to defraud. Notice of this provision must be initialed by the person leasing or renting the property.

- Provides that a demand for the return of overdue property may be made by certified mail, return receipt requested, addressed to the lessee's address shown in the rental contract.

The effective date of this bill is October 1 of the year in which enacted.

**CS/HB 1381 -- Court Costs & Fines Collection; creates "Comprehensive Court Enforcement Program Act" by Crime & Punishment, Rep. Heyman and others (CS/SB 0462 by Criminal Justice and Sen. Crist)**

Creates the "Comprehensive Court Enforcement Program" which authorizes courts to pursue fines, court costs, fees and restitution which were imposed pursuant to a criminal conviction in a civil proceeding.

- Authorizes judges to punish refusal to pay with contempt of court.
- Authorizes an additional administrative fee to cover the costs of the civil hearing.
- Authorizes special masters to make recommendations to the court.
- Authorizes county commissions to refer financial obligations to a collection agent.

The effective date of this bill is upon becoming a law.

**CS/HB 1727 -- Assault & Battery/Code Inspectors by Crime & Punishment, Rep. Livingston and others (Chapter Law #98-7) (SB 0106 by Sen. Gutman)**

Increases the classification of the penalty for violent crimes against code inspectors so that the severity of the punishment for an offense such as battery against a code inspector is treated the same as a battery against a law enforcement officer.

The effective date of the bill is October 1 of the year in which it is enacted.

**CS/HB 3033 -- Execution/Lethal Injection by Crime & Punishment, Rep. Stafford and others (Chapter Law #98-3) (SB 0196 by Sen. Klein)**

Amends statute governing the method of execution by making lethal injection the method of execution, if electrocution is ever ruled unconstitutional.

- Provides that a change in the method of execution shall not constitute a violation of the Ex Post Facto clause of the U.S. Constitution, nor the Florida Constitution.
- Provides that a change in the method of execution shall not constitute a violation of Florida's Constitutional provision which ensures punishment for a crime, regardless of repeal of the statute, in Article X, Section 9 of the Florida Constitution.
- Provides that no sentence of death shall be reduced as the result of a change in the method of execution.
- Exempts the prescribing, preparing, dispensing and administration of a lethal substance from the definition of the practice of medicine.

The effective date of this bill is upon becoming law.

**CS/HB 3053 -- Death by Lethal Injection/Records by Crime & Punishment, Rep. Stafford and others (Chapter Law #98-04) (SB 0198 by Sen. Klein)**



- Amends statute governing confidential records belonging to the Department of Corrections by including the identity of the person administering a lethal injection in connection with the execution of an inmate.
- Amends statute governing public's right to inspect public records by exempting information which may divulge the identity of the person administering a lethal injection in connection with the execution of an inmate. Provides the law is subject to the Open Government Sunset Review Act of 1995 which requires the legislature to review the law and make new findings in order to continue the exemption by October 2, 2003.
- Makes legislative finding which is necessary to exempt certain records from public inspection.

The effective date of this bill is "on the same date that Committee Substitute for House Bill 3033 or similar legislation providing for execution of the death sentence by lethal injection takes effect ...."

### **CS/HB 3107 -- Sexual Predator Registration**

**by Crime & Punishment, Rep. Fasano and others** (Also passed as SB 1992 by Criminal Justice, Sen. Burt and others)

- Amends the sexual predator statute by increasing from 10 years to 20 years, the time a sexual predator must live without any new violation of the law before applying to have the designation removed. The change applies only to those sexual predators so designated after July 1, 1998.

The effective date of the bill is July 1 of the year in which enacted.

### **CS/HB 3147 -- Blind Services**

**by Community Affairs and Rep. Heyman** (SB 0136 by Sen. Forman)

- Amends statute governing rights of disabled persons to allow trainers of guide-dogs to enter public facilities with the guide-dog for training purposes.
- Amends statute governing the Division of Blind Services by redefining the function of the Advisory Council for the Blind to assist the Division of Blind Services in the development of programs and services.
- Amends statute governing the Division of Blind Services by redefining the structure, membership, method of appointment of members and specific duties of the Advisory Council for the Blind.

The effective date of the bill is July 1 of the year in which enacted.

### **CS/HB 3165 -- Controlled Substances/Public Housing**

**by Crime & Punishment, Rep. Lynn and others** (Passed as CS/SB 0358 by Criminal Justice and Sen. Burt)

- Provides for enhanced penalties for any person who sells, manufactures, delivers, or possesses with intent to sell a controlled substance within 200 feet of a public housing facility.
- Current law provides for similar enhanced penalties, but was ruled unconstitutional because the term "public housing" was considered too vague. The bill addresses the constitutional defect by more clearly defining the term "public housing."

The effective date of the bill is October 1, 1998.

**HB 3275 -- Drivers License Suspension/Bad Checks**

**by Rep. Arnall and others** (CS/SB 1218 by Transportation and Sen. Crist)

- Amends statute governing worthless checks by requiring the suspension of the driver's license for any person being prosecuted for a worthless check, who fails to appear in court and for whom an arrest warrant or capias has been issued.
- Amends statute governing worthless checks by providing an alternative to bad check diversion program which allows placement of a worthless check debt with a debt collector prior to presenting the complaint for prosecution by the state attorney.
- Amends statute governing drivers' licenses to permit the Department of Highway Safety and Motor Vehicles to sell copies of photographs and other images when they are being purchased for the purpose of preventing fraud.
- Amends statute governing traffic infractions by requiring a warning instead of a fine for speeding if less than 5 m.p.h. over the speed limit; by requiring a fine for speeding in a school zone, even if less than 5 m.p.h. over the speed limit; by requiring the presence of construction personnel for imposition of provision which requires doubling of fines for speeding in construction zone.
- Amends statute governing drivers' licenses by requiring a second offense for a misdemeanor conviction of expiration of registration, over 6 months. A first conviction is reduced to a civil infraction.
- Amends statute governing drivers' licenses by requiring permanent revocation for any person convicted of murder resulting from the operation of a motor vehicle; D.U.I. manslaughter, if a second or subsequent D.U.I. offense; by requiring that periods of license suspension will not run during periods of incarceration; by creating a 3rd-degree felony for any person who drives with a permanently revoked license.

The effective date of this bill is July 1 of the year in which enacted.

**CS/HB 3367 -- Judicial Nominating Commissions**

**by Crime & Punishment, Rep. Bronson and others** (Passed as CS/SB 0418 by Judiciary and Sen. Bronson)

- Amends statute governing Judicial Nominating Commissions by requiring membership to include at least one resident of each county in the judicial circuit.
- Provides the law will only apply to members chosen after the effective date.

The effective date of this bill is July 1 of the year in which enacted.

**HJR 3505 -- Death Penalty/Execution Method**

**by Reps. Crist, Feeney and others** (CS/SJR 0964 by Criminal Justice & Sen. Lee)

The joint resolution proposes the following changes to Florida's Constitution:

- Provides that the prohibition against cruel and unusual punishment must be interpreted in conformity the United States Supreme Court's interpretations of the same provision in the United States Constitution.
- Provides that the death penalty is an authorized punishment for capital crimes designated by the legislature.

- Provides that any method of execution shall be allowed unless prohibited by the United States Constitution.
- Provides that the method of execution may be changed retroactively and that a sentence of death shall not be reduced because a method of execution is declared invalid.

The amendment is effective retroactively upon ratification by the electorate.

**CS/HB 3709 -- Voyeurism**

**by Crime & Punishment, Reps. Dockery, Bloom, Brown, Casey and others (CS/SB 0772 by Criminal Justice and Sen. Gutman)**

- Creates the offense of “voyeurism” which prohibits the secret observation, photographing, videotaping, etc. of a person with lewd or indecent intent, if the victim is in a location in which he or she would have a reasonable expectation of privacy.
- Provides the penalty for a first or second offense shall be a 1st-degree misdemeanor. A third or subsequent offense shall be a 3rd-degree felony.
- Amends the criminal mischief statute by permitting the aggregate sum of the damages inflicted upon the property of multiple owners to be considered when determining whether the amount of damages qualifies the offense as a misdemeanor or a felony.

The effective date of this bill is July 1 of the year in which enacted.

**HB 4233 -- Offense of Murder/Redefined**

**by Rep. Stafford (CS/SB 0524 by Criminal Justice and Sen. Campbell)**

- Amends the felony-murder statute by including murder as one of the enumerated, underlying offenses which will form the basis for a 1st or 2nd-degree murder conviction, regardless of the perpetrator's intent.
- Amends the vehicular homicide statute by including a viable fetus as a potential victim of the crime, and by providing a civil cause of action for the death of a viable fetus.
- Amends the statute governing Public Defenders by directing the Commission on the Administration of Justice in Capital Cases to conduct a study to evaluate whether the elimination of post-conviction appeals will reduce delays in carrying out a death sentence in capital cases.
- Creates a provision directing the Correctional Privatization Commission to use \$100,000 for the purpose of developing two invitations to bid on 1) an adult prison, and 2) a youthful offender facility.

The effective date of this bill is October 1 of the year in which enacted.

**HB 4667 -- Criminal Punishment**

**by Crime & Punishment and Rep. Ball (Passed as CS/SB 1522 by Criminal Justice)**

- Provides that enhanced penalties authorized by statute do not cause offenses to become unranked.

- Inserts all offenses that were ranked in the guidelines during the 1997 session into the ranking chart for the new Punishment Code.
- Inserts into the ranking chart for the Code the offenses of official misconduct and solicitation of a child through the Internet, which were previously unranked offenses.
- Clarifies that the Code does not apply to capital offenses.
- Requires that a court must provide written reasons for a sentence below the lowest permissible sentence within 7 days after the sentencing.
- Clarifies that judges will be able to impose consecutive sentences up to the statutory maximum for each count before the court for sentencing.
- Creates the offense of attempted felony murder for intentional acts that could but do not cause injury to another committed during the course of a serious felony.
- Authorizes the Department of Corrections to evaluate sentencing trends and rates of incarceration.
- Removes inconsistent language and makes other technical changes.

The effective date of the bill is October 1, 1998.

## **IV. COMMITTEE ON FAMILY LAW & CHILDREN:**

### **CS/HB 0585 -- Adoption of Foster Children by Rep. Murman (SB 0264 by Sen. Rossin)**

Allows for the court to order post-adoption contact between separated siblings after a termination of parental rights if such contact is in the best interests of the children. This contact may include, but is not limited to, visits, letters and cards, or telephone calls. The order for such contact shall be made a part of the final adoption order.

The effective date of this bill is upon becoming law.

### **HB 1019 -- Marriage Preparation and Preservation and Protection of Children by Rep. Bloom and Rep. Wise (CS/CS/SB 1576 by Sen. Rossin)**

Creates the "Marriage Preparation and Preservation Act of 1998".

- Provides for marriage and relationship skill-based education to be included in the life management skills class required for high school graduation.
- Provides for a reduction of \$32.50 in the marriage license fee for couples who complete a marriage preparation course.
- Requires a three-day waiting period for a license for those couples not completing a course. The waiting period may be waived under certain circumstances.
- Delineates course curriculum and qualifications of course providers for marriage preparation course.
- Provides for a research component to be developed and administered by the Center for Marriage and Family at Florida State University.
- Requires the creation and distribution of a handbook pertaining to the rights and responsibilities of marital partners under Florida law.
- Provides for the Parent Education and Family Stabilization Course for separating or divorcing parents and specifies content of the course and qualifications for course providers.
- Provides for an increase of \$32.50 in the filing fee for dissolution of marriage.

The effective date of the sections of the bill relating to marriage preparation and preservation is January 1, 1999.

Provides for the protection of children.

- Strengthens the federal mandate to ensure that the safety and protection of children are always the paramount concern.
- Shortens the time frames for achieving resolution for abused and neglected children.
- Builds in better and more complete child and family assessments up front in the dependency process.

- Provides funding for lawyers for indigent parents in dependency court proceedings.
- Consolidates two separate child protection statutes (chapters 39 and 415) to eliminate contradictions and streamline court procedures.
- Provides funding for increased caregiver subsidies for child abuse and neglect victims placed in the care of relatives.
- Increases fines, other civil and criminal penalties for persons who knowingly and intentionally make false reports of child abuse.
- Implements child protection requirements of the federal Adoption and Safe Families Act of 1997. Florida is the first state in the nation to meet this requirement.

The effective date of the sections of the bill relating to child protection is October 1, 1998.

### **HB 3217 -- Privatization of Foster Care and Related Services**

**by Rep. Murman and Rep. Feeney** (CS/CS/SB 0352 by Ways & Means, Children, Families & Seniors and Sen. Brown-Waite)

Requires the privatization of foster care and related services statewide over a three year period beginning on January 1, 2000.

- Requires the Department of Children and Family Services to submit an operational plan to accomplish privatization. The plan is to be submitted by July 1, 1999.
- Requires the state attorney or the Office of the Attorney General to provide child welfare legal services, beginning in fiscal year 1999-2000, in Sarasota, Pinellas, Pasco, and Manatee Counties.
- Requires the Department of Children and Family Services to develop a statewide quality assurance program.
- Requires the Department to privatize all foster care and related services in District 5 beginning January 1, 1999.
- Directs the Department to transfer all responsibility for child protective investigations for Pinellas, Pasco, and Manatee counties to the sheriffs of those counties by the end of fiscal year 1999-2000. During FY 1998-1999, the department will contract with the sheriffs for these services.

The effective date of this bill is July 1 of the year in which enacted.

### **CS/HB 3227 -- Substance Abuse Services**

**by Family Law & Children, Rep. Wise and others** (SB 0392 by Sen. Holzendorf)

Redefines the term "qualified professional" for purposes of providing substance abuse assessment or treatment services. Requires persons to meet Florida's certification requirements within a specified period after employment in Florida. Provides a grandfather clause for persons with certain qualifications and experience. Exempts persons certified before January 1, 1995.

The effective date of this bill is January 1, 1999.

### **CS/HB 3327 - Sexually Violent Predator Treatment**

**by Family Law & Children, Rep. Villalobos and others** (CS/CS/SB 0646 by Children, Families & Seniors, Criminal Justice, Sen. Gutman and others)

Establishes legal procedures by which sexually violent predators may be civilly committed to the Department of Children and Family Services for control, care, and treatment until such time as the person's mental condition has so changed that the person is safe to be at large. Appropriates

\$4,900,000 and 50 full time equivalent positions to the Department of Children and Family Services, and \$1,500,000 to the Department of Corrections to carry out the provisions of this act.

The effective date of this bill is January 1, 1999.

**CS/CS/HB 3377 -- Child Abuse Prevention Services**  
**by Health & Human Service Appropriations, Family Law & Children, Rep. Frankel, Rep. Lynn and others** (Passed as CS/CS/SB 1660 by Governmental Reform & Oversight, Children, Families & Seniors, Sen. Kurth and others)

Requires the Department of Children and Family Services to contract with a private nonprofit corporation to implement the Healthy Families Florida program.

- The program shall work in partnership with existing community-based home visitation and family support resources to provide assistance to families in an effort to prevent child abuse.
- The program is voluntary for participants, and requires the informed consent of participants at initial contact.
- The Kempe Family Stress Checklist shall not be used.
- Appropriates \$10 million from tobacco settlement receipts to the Department of Children and Family Services to implement this act.

The effective date of this bill is July 1 of the year in which enacted.

**CS/HB 3883 -- Protection of Children**  
**by Family Law & Children and Rep. Lynn** (CS/SB 2170 by Sen. Dudley)

Passed as HB 1019.

**HB 3887 -- Public Records Relating to Reports of Child Abuse and Neglect**  
**by Rep. Lynn** (CS/SB 2170 by Sen. Dudley)

Passed as HB 1019.

Provides exemption from public records requirements for department reports and records of cases of child abandonment.

**CS/HB 4229 -- False Reports of Abuse and Neglect**  
**by Rep. Dockery** (Passed as CS/CS/SB 1024 by Sen. Hargrett, sections relating to child abuse and neglect passed as HB 1019 by Rep. Bloom, and sections relating to elder abuse passed as HB 4167 by Elder Affairs and Long Term Care and Rep. Brooks)

Provides for increased penalties for false reporting of child abuse, abandonment, or neglect or the abuse, neglect, or exploitation of an elderly or disabled adult.

- Provides procedures for investigation of suspected false reports by local law enforcement.
- Increases the criminal penalty for false reporting from a second degree misdemeanor to a third degree felony.
- Requires for reports to be made to the legislature by the Department of Children

and Family Services and the state attorneys that provide the number of cases referred and the number of complaints resulting in a filing of an information or an indictment.

- Increases the maximum amount of an administrative fine from \$1,000 to \$10,000.

The effective date of the bill is July 1, 1998.

**HB 4771 -- Child Support Enforcement**

**by Family Law & Children, Rep. Lynn and Rep. Effman** (CS/SB 2244 by Sen. Dudley: Passed in CS/CS/HB 271 by Rep. Arnall)

Provides for a number of changes to the statutes relating to the Child Support Enforcement Program.

- Reduces the fee DOR pays for placing a lien on a motor vehicle from \$28.25 for first liens and \$29.25 for subsequent liens to a flat fee of \$7.00.
- Allows the director of the Child Support Program to delegate authority to place a lien on a motor vehicle or vessel to appropriate staff.
- Allows DOR to identify persons owing child support who have abandoned property with the Department of Banking and Finance and to request transfer of that property to DOR for child support obligations once the claim has been approved.
- Eliminates the requirement for Child Support Enforcement to file an Answer to the Complaint to Foreclose but allows the department to retain the right to participate in disbursement of funds.
- Requires current support to be given priority in cases where more than one income deduction order exists and collection is insufficient to satisfy all obligations.
- Eliminates an unnecessary requirement and clarifies instructions to employers regarding allocation of income deduction amounts when there is more than one obligation for an employee.
- Establishes the State Disbursement Unit as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).
- Specifies that child support will be distributed in accordance with federal requirements.
- Gives DOR general rulemaking authority for the Child Support Enforcement Program.
- Corrects glitches in the child support enforcement legislation and the WAGES legislation passed by the Florida Legislature in 1997.
- Changes state law to include federal technical amendments to PRWORA.

The effective date of the sections of this bill relating to child support enforcement is July 1, 1998.



## **V. COMMITTEE ON JUVENILE JUSTICE:**

### **HB 0475 -- Juvenile Sexual Offenders**

**by Juvenile Justice and Rep. Brown** (Passed as CS/CS/SB 1796 by Children, Families & Seniors and Sen. McKay)

Establishes licensing and training requirements for persons wanting to practice juvenile sexual offender therapy after October 1, 2000. Requires the Departments of Children and Families and Juvenile Justice to notify school superintendents of any child who has a known history of sexual behavior with another child, is an alleged juvenile sex offender, or is found to have violated certain sex offenses. Provides for the creation of sexual abuse intervention networks and the awarding of grants to assist in identifying, investigating, prosecuting, treating, and preventing juvenile sexual abuse.

The effective date of this bill is upon becoming law.

### **CS/HB 3007 -- Juvenile Substance Abuse Testing**

**by Juvenile Justice, Rep. Fasano and others** (SB 0708 by Sen. Grant)

Creates provisions to allow youth placed on community control or in aftercare to be subject to random substance abuse testing. The judge may order such requirements at the disposition hearing following a recommendation by the Department of Juvenile Justice or upon the filing of a petition alleging a violation of community control or aftercare.

The effective date of this bill is October 1, of the year enacted and shall apply to offenses committed on or after that date.

### **HB 3977 -- Orlando Regional Juvenile Detention Center**

**by Rep. Sublette** (Passed in HB 4315 by Juvenile Justice, Rep. Bainter and others)

Prohibits the expansion of the Orlando Regional Detention Center by any state agency.

The effective date of this bill is upon becoming a law.

### **HB 4153 -- Juvenile Offenders/Boot Camps**

**by Rep. Flanagan, Rep. Turnbull and others** (CS/SB 1486 by Criminal Justice, Sen. Williams and others)

Specifies funding sources for implementing and operating boot camps and places sheriff operated boot camps under their authority as determined by a contract with the Department of Juvenile Justice (DJJ). Requires placement of youth eligible for boot camp in the camp in or nearest to the judicial circuit in which the child was adjudicated unless the placement is inappropriate. DJJ will inspect all boot camps, including state-operated camps, but will no longer charge monitoring fees to locally run camps. Provides corrective action for state-operated boot camps failing to pass quarterly inspections. DJJ can no longer institute injunctive proceedings against locally operated camps failing to meet specified minimum standards.

The effective date of this bill is July 1, 1998.

### **CS/HB 4257 -- Juvenile Justice**

**by Juvenile Justice, Rep. Bainter and others** (Passed as CS/CS/SB 2288 by Children, Families & Seniors, Criminal Justice and Sen. Gutman)

Directs the Juvenile Justice Advisory Board (JJAB) to annually operate and update a

comprehensive system to measure and report program outcomes and effectiveness for programs operated by the Department of Juvenile Justice (DJJ) or a provider contracted by DJJ. Directs the JJAB, the Division of Economic and Demographic Research (EDR) and contract service providers to develop a cost-effectiveness model to be used to compare program costs to client outcomes and program outputs. Requires the DJJ to collaborate with the JJAB, EDR and contract service providers to refine the cost-effectiveness model.

The effective date of this bill is upon becoming law.

**CS/HB 4295 -- Juvenile Justice**

**by Governmental Operations, Juvenile Justice, Rep. Bainter and others** (Passed as CS/CS/SB 2288 by Children, Families & Seniors, Criminal Justice and Sen. Gutman)

Allows counties to assess a \$3 court fee for teen court programs. Specifies conditions under which the Department of Juvenile Justice (DJJ) or any other state or local criminal justice agency may provide juvenile records to contracted programs. Redefines and specifies conditions for escaping from a secure detention or residential commitment facility. Replaces references to intake counselor and case manager with juvenile probation officer. Authorizes DJJ to use Juvenile Assessment Centers (JACs) to conduct pre-disposition assessments and evaluations. Clarifies the definition and operation of JACs. Specifies that only youth meeting secure detention criteria will be placed in such a facility. States provisions relating to a juvenile's competency in delinquency cases including proper notifications of filings and the appropriate course of action for competency cases. Allows DJJ to utilize juvenile assignment centers to conduct pre and post disposition assessments and evaluations. Requires DJJ to use such centers to conduct pre-disposition assessments by July 1, 1999. The expiration date for Juvenile Assignment Centers is extended to July 1, 2000.

The effective date of this bill is upon becoming law.

**HB 4315 -- Juvenile Justice Education Programs**

**by Juvenile Justice, Rep. Bainter and others** (CS/CS/SB 2198 by Government Reform & Oversight, Criminal Justice and Sen. Bankhead)

Requires the Juvenile Justice Advisory Board to conduct a study of education services in the juvenile justice system in terms of assessment, curriculum, staffing, delivery, and resources. The Board will assess the current funding method for education services and if necessary develop alternative funding methods for ensuring adequate and effective delivery of education services for juvenile offenders. Requires the Department of Education to identify literacy programs for juvenile offenders and, contingent upon funding, implement literacy programs in residential commitment programs.

The effective date of this bill is upon becoming law.

## **VI. COMMITTEE ON LAW ENFORCEMENT & PUBLIC SAFETY:**

### **HB 0909 -- Concealed Weapons/Nonresidents**

**by Rep. Crady and others** (CS/SB 0366 by Criminal Justice, Sen. Williams and others)

Allows a U.S. citizen, who is not a resident of Florida, to carry a concealed weapon in this state provided the person is at least 21 years of age, and has a valid concealed weapons license in his or her state of residence.

- Provides that a valid concealed weapons license from a previous state of residence remains in effect for 90 days when the holder of a license establishes legal residence in Florida.

The effective date of this bill is July 1, of the year in which enacted.

### **CS/CS/HB 1137 -- Alcohol Impairment Testing (Chapter No. 98-27, L.O.F.)**

**by Health Care Standards & Regulatory Reform, Law Enforcement & Public Safety, Rep. Betancourt and others** (CS/SB 0508 by Criminal Justice and Sen. Horne)

Allows a medical care provider who is treating someone injured in a motor vehicle crash to notify law enforcement if that person's blood alcohol level (BAL) is .08 percent or higher.

- Provides that notification must be given within a reasonable time, and used exclusively for the purpose of a law enforcement officer requesting the withdrawal of a blood sample.
- Provides that reporting, or a failure to report, a person's BAL is not a violation of any moral or ethical duty on the part of the health care provider and prohibits any action being brought as a result of such a report.

The effective date of this bill is July 1, of the year in which enacted.

### **CS/HB 1151 -- Florida Department of Law Enforcement**

**by Law Enforcement & Public Safety, Rep. Futch and others** (CS/SB 1378 by Criminal Justice and Sen. Burt)

Amends various sections of the Florida Statutes that address criminal and juvenile justice information system issues at the request of the Criminal and Juvenile Justice Information Systems Council.

- Requires FDLE to develop and maintain an information system that supports the administration of the state's criminal and juvenile justice system.
- Requires that criminal defendants make a "good cause" showing in court prior to any order that FDLE perform analyses, and that such lab costs be assessed against the defendant.
- Provides that crime scene and laboratory analysts, and forensic technologists who have suffered significant exposure, may require that a person be screened for a sexually transmissible disease.
- Requires that blood specimens for DNA analysis be obtained from persons convicted of specified offenses where specimens are not regularly obtained.

- Authorizes the department to obtain copyrights on its work product.

The effective date of this bill is July 1, of the year in which enacted.

**CS/HB 1329 -- Medical Examiners**

**by Law Enforcement & Public Safety, Rep. Roberts-Burke and others** (CS/SB 0562 by Criminal Justice, Sen. Kirkpatrick and others)

Provides that a medical examiner may not retain or furnish any part of a deceased without notification and approval of the next of kin, unless used in conjunction with the determination of identification or the cause of death of the decedent.

- Provides that a medical examiner may be suspended, reprimanded, or placed on probation for either a violation of this act, or negligent performance of his/her duties.
- Provides that a medical examiner may be temporarily suspended if unable to carry out his/her duties by reason of the use of alcohol, drugs, narcotics, or any other type of material.

The effective date of this bill is July 1, of the year in which enacted.

**CS/CS/CS/HB 3075 -- Police and Fire Pension Plans**

**by Finance & Taxation, Governmental Operations, Law Enforcement & Public Safety, Rep. Pruitt and others** (CS/SB 0270 by Community Affairs, Sen. Childers and others)

Revises Chapters 175 and 185, F.S. (relating to fire and police pension plans) to apply minimum benefits and standards to all plans funded under the chapters.

- Allows members to retire after reaching 52 years of age, and contributing 25 years of service.
- Modifies provisions relating to funding, contributions, and other fiscal matters to lower the minimum employee contribution to .5 percent, and defines the term "extra benefits".
- Establishes a 75% joint-and-survivor payment option, clarifies beneficiary provisions, and allows disabled retirees to elect regular benefit payment options.

The bill provides an effective date of October 1, of the year in which enacted.

**CS/HB 3161 -- Law Enforcement and Correction Officers**

**by Governmental Operations, Rep. Mackenzie and others** (SB 2012 by Sen. Bronson)

Provides for an audio or written recording of interrogations of law enforcement or correctional officers under investigation by the employing agency.

- Authorizes law enforcement officers, correctional officers, or correctional probation officers, who have resigned due to their appointment or election to office, to associate with a law enforcement agency for the purpose of maintaining their law enforcement certification without violating the constitutional prohibition against dual office-holding.

This effective date of this bill is upon becoming law.

**CS/HB 3255 -- Court Costs/Crime Stoppers**

**by Law Enforcement & Public Safety, Rep. Sindler and others** (CS/CS/SB 0502 by Judiciary, Criminal Justice, Sen. Gutman and others)

Creates a new \$20 surcharge on any criminal fine imposed which will be used to support Crime Stoppers and their crime fighting programs.

- The bill also provides for a \$2 court cost for each noncriminal traffic infraction which will be used to fund local law enforcement agency training.

The effective date of this bill is July 1, of the year in which enacted.

**CS/CS/HB 3265 -- Boating Safety and Emergency Responses  
by General Government Appropriations, Law Enforcement & Public Safety, Rep. Ziebarth and others (CS/CS/SB 1794 by Transportation, Natural Resources, Sen. Burt and others)**

Provides for a \$500 civil penalty for anyone who refuses to submit to a blood test, breath test, or urine test when arrested for boating while intoxicated.

- Provides that, effective October 1, 1988, every person convicted of two noncriminal infractions of these provisions must attend a boating safety course.
- Provides that it is unlawful for any person under the age of 21 who has a breath-alcohol level of 0.02 or higher to operate, or be in actual physical control of, a vessel.
- Amends the definitions of “authorized emergency vehicles” and “operate” as used in the boater safety statutes.

The effective date of this bill is upon becoming law.

**HB 3359 -- Protective Services For Certain Victims and Witnesses  
by Rep. Stafford (Passed as SB 0526 by Sen. Campbell)**

Extends protective services to those victims and witnesses who are at risk of harm because they cooperate in an investigation or prosecution of a serious felony offense, by adding “criminal attempt”, “criminal solicitation”, and “criminal conspiracy” to the definition of enumerated serious offenses.

- Provides that, if the protective service needed involves relocation, the Florida Department of Law Enforcement shall be notified to coordinate the relocation.
- Provides that the lead agency providing the service may seek reimbursement for expenses from the Victim and Witness Protection Review committee.

The effective date of this bill is upon becoming law.

**CS/HB 3511 -- Drivers License Revocations  
by Law Enforcement & Public Safety, Rep. Constantine and others (Partially incorporated into HB 3275 by Rep. Arnall and others)**

Provides that a person committing the crime of murder resulting from the operation of a motor vehicle shall have their license permanently revoked, and that no license or driving privilege may be granted to such person.

- HB 3275 also includes DUI manslaughter, where the conviction represents a subsequent conviction, and four or more DUI convictions as offenses which require permanent driver license revocation. HB 3275 provides circumstances in which an individual may petition the department for reinstatement.
- Provides that, in the case of incarceration, the defendant's release date shall be

the date for determining when suspension or revocation commences, and when the defendant is eligible for reinstatement.

- Provides that notification of the defendant's release date be sent to the Department of Highway Safety and Motor Vehicles by the correctional facility.
- Provides that any person who drives a motor vehicle while their license is permanently revoked commits a felony of the third degree.
- HB 3275 also provides that the element of knowledge is satisfied when a judgement or order appears in the department's records unless the suspension occurs as a result of a failure to pay a fine, or for a financial responsibility violation.

The effective date of HB 3275 is July 1, of the year in which enacted.

**CS/HB 3571 -- Department of Law Enforcement  
by Governmental Operations, Law Enforcement & Public Safety and Rep. Futch  
(Passed as CS/SB 0486 by Criminal Justice and Sen. Silver)**

Reorganizes the Department of Law Enforcement from five divisions into three programs to conform with the budget entities that have been implemented for performance-based budgeting.

- The three new programs (Criminal Justice Investigations and Forensic Science, Criminal Justice Professionalism, and Criminal Justice Information) would be managed by persons appointed by the executive director.
- Provides discretionary authority to the executive director to establish a "command, operational, and administrative services structure" in order to support the department in operating programs and delivering services.

- Provides that the department be required to develop and maintain an information system that administers the state's criminal and juvenile justice system.

The effective date of this bill is July 1, 1998.

**HB 3659 -- Crime Stoppers Trust Fund  
by Rep. Sindler (SB 0978 by Sen. Gutman)**

Creates the Crime Stoppers Trust Fund, to be administered by the Department of Legal Affairs.

- Provides that the Crime Stoppers Trust Fund shall terminate on July 1, 2002, unless terminated sooner.

The effective date of this bill is July 1, 1998.

**HB 3737 -- Sexual Predators/Notifying Public  
by Rep. Hill (SB 1776 by Sen. Holzendorf)**

Revises the notification requirements of the Florida Sexual Predators Act by requiring that within 48 hours of receiving notification of the presence of a sexual predator, the sheriff or chief of police must notify each public or private day care center, elementary school, middle school, and high school of the sexual predators presence in the community.

The effective date of this bill is July 1, 1998.

**HB 4059 -- Fleeing Law Enforcement Officer  
by Law Enforcement & Public Safety, Rep Futch and others (CS/SB 0794 by Criminal Justice and Sen. Dudley)**

Provides that it is a third-degree felony for the operator of a vehicle to either fail to stop the vehicle when so directed by a law enforcement officer, or to attempt to elude such officer.

- Provides that it is a second-degree felony to drive at high-speed, or demonstrate a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer.
- Increases the penalty for aggravated fleeing and eluding a law enforcement officer from a third-degree felony to a second-degree felony.

The effective date of this bill is October 1, 1998.

**HB 4219 -- Mutual Aid Agreements  
by Law Enforcement & Public Safety, Rep. Futch and others (CS/SB 1932 by Criminal Justice and Sen. Dudley)**

Provides that a state university that employs or appoints university police officers may enter into mutual aid agreements between one or more law enforcement agencies.

- Provides that, when the university lends assistance pursuant to a mutual aid agreement, all powers, privileges, and immunities apply to the agency as long as the requested services are coordinated by the affected local law enforcement executive in charge.

The effective date of this bill is July 1, of the year in which enacted.

**HB 4389 -- Emergency Medical Services**

**by Rep. Flanagan and others** (Passed as SB 0540 by Sen. Lee)

Expands the definition of “medical care provider” for the purpose of enhancing penalties for assaults and batteries committed on such persons.

The effective date of this bill is October 1, 1998.

**HB 4827 -- Sexual Predators Act**

**by Law Enforcement & Public Safety and Rep. Futch** (Passed as CS/SB 1992 by Criminal Justice and Sen. Burt)

Amends Florida’s laws relating to registration of sexual predators and sexual offenders with federal standards to preserve the federal Byrne formula funding the state receives.

- Provides for the sharing of criminal history information between departments for the purpose of child protective investigations.
- Prohibits sex offenders from being placed on administrative probation.
- Provides that certain control conditions relating to sex offenders are standard conditions that do not require oral pronouncement at sentencing.

The effective date of this bill is October 1, 1998.



## **VII. COMMITTEE ON REAL PROPERTY & PROBATE:**

### **HB 1403 -- Construction and Molders Liens**

**by Rep. Tobin** (CS/SB 0114 by Judiciary and Sen. Latvala)

The bill provides definitions of the terms:

- Customer, mold, molder, records, or molder records, and unclaimed mold.
- The bill provides that a molder may acquire title to an unclaimed mold, i.e., a mold which has not been used to make a product for at least 3 years. To exercise this right, the molder must send written notice of the intent to acquire title to the customer and to any holder of a security interest in the mold which was perfected in this state. Notice provisions are described in the bill.
- A molder acquires title to an unclaimed mold under any of the following circumstances:
  1. For an unclaimed mold for which a molder provides notice to a customer by certified mail and a signed receipt is received, if the customer or anyone claiming a legal interest in the mold does not contact the molder and either remove the mold from the molder's premises or make contractual arrangements with the molder for storage of the mold within 90 days after the date notice was received.

2. For an unclaimed mold for which notice by publication is made, if the customer or anyone claiming a legal interest in the mold does not contact the molder and either remove the mold from the molder's premises or make contractual arrangements with the molder for storage of the mold within 90 days after the date of the second publication.
  - The molder and the customer can bind themselves to provisions different than the statutes by written contract.
  - The bill provides that these title transfer provisions do not affect the rights of a holder of a perfected security interest in a mold or any right of the customer under federal patent or copyright law or federal law relating to unfair competition. A molder who acquires title to a mold by this statute passes good title when transferring the mold.
  - The bill creates a lien for unpaid amounts due the molder for work and materials. The lien is on a mold in the possession of the molder which belongs to the customer owing the unpaid debt. The molder may retain the mold until the debts are paid. Before enforcing the lien, the molder must comply with specified notice requirements.
  - If the molder is not paid the amount due as stated in the notice within 60 days after the notice has been delivered, the molder may sell the mold at a public auction if all other requirements are satisfied.
  - The proceeds of the sale must be paid first to any holder of a security interest perfected in this state. Any excess must be paid to the molder holding the lien created by this section. Any remaining amount is to be paid to the customer, if the customer's address is known, or to the state treasurer for deposit in the General Revenue Fund if the customer's address is unknown to the molder at the time of the sale.
  - If a sale would be in violation of any right of a customer under federal patent or copyright law, it cannot be conducted.
  - Section 1 of the bill, the provisions on acquisition of title to unclaimed molds, applies only to contracts entered into before January 1, 1999, and repeals on January 1, 2001.

The effective date of this bill is July 1, 1998.

**CS/CS/HB 1565 -- Timeshare Plans**

**by Real Property & Probate and Rep. Edwards** (Passed as CS/CS/SB 0626 by Regulated Industries, Judiciary and Sen. Silver)

Revises chapter 721, Florida Statutes, relating to timeshare plans. The bill creates the Timeshare Lien Foreclosure Act, which provides for consolidation of timeshare foreclosure proceedings under certain conditions, for service of process by service on a registered agent or by mail, and for appointment of a registered agent to accept such service. The bill also creates statutes on commissioners of deeds to allow execution of timeshare instruments outside the United States. The bill also:

- Authorizes rulemaking authority to create exemptions to ch. 721, F.S.; increases the number of days that the Division of Florida Land Sales, Condominiums, and Mobile Homes has to respond to a proposed amendment to an approved multi-site timeshare plan that adds a new component site;
- Eliminates the requirement that a developer file an irrevocable letter of credit, surety bond, or other assurance to guarantee the delivery of incidental benefits to the purchaser, and authorizes disclosure of such benefits;
- Revises language regarding reservation agreements;
- Defines the term "regulated short-term product"; and provides for disclosure and cancellation provisions; authorizes the advertisement of such agreements subject to the division's approval;

- Allows developers greater flexibility in the allocation of common expenses; amends provisions regarding the audit of financial statements, and requires that the certified public accountants preparing these audits be licensed in the State of Florida.

The effective date of this bill is upon becoming a law.

**CS/HB 1903 -- Public Records**

**by Real Property & Probate, Governmental Operations and Rep. Crow** (SB 0806 by Sen. Dudley)

This committee substitute creates a public records exemption for information relative to an investigation by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business & Professional Regulation conducted pursuant to Chapter 498, Florida Statutes.

- This exemption includes consumer complaints. Such information is confidential and exempt until 10 days after a notice to show cause has been filed by the division, or, in the case where no notice to show cause is filed, the investigation is completed or ceases to be active; however, certain information remains confidential and exempt, for example, information that would jeopardize the integrity of another active investigation and trade secret information.
- The stated purpose of this bill is to preserve the integrity of the investigation process. Furthermore, untimely disclosure of certain identifying and location information relating to purchasers or account holders or complainants could jeopardize the integrity of investigations.
- The exemption created by this bill is made subject to the Open Government Sunset Review Act of 1995 and will repeal on October 2, 2003, unless reenacted by the Legislature.

The effective date of the bill is October 1 of the year in which it is enacted (1998).

**HJR 3151 -- Additional Homestead Tax Exemption**

**by Rep. Villalobos** (SB 0246 by Sen. Diaz-Balart)

Proposed constitutional amendment to be voted on at the general election in November 1998. If approved by the voters, the amendment will provide authorization to the Legislature to permit counties or municipalities to grant an additional homestead tax exemption of up to \$25,000 to resident homeowners who are at least 65 years of age and whose household income does not exceed \$20,000.

- The amendment is not self-executing. The amendment, if implemented, provides that the general law implementing the legislation must allow the counties or municipalities to adopt the new exemption by ordinance, and must provide for the periodic adjustment of the income limitation for changes in the cost of living.

The effective date of this amendment is January 1, 1999, if approved by the electorate.

**CS/CS/HB 3193 -- Homeowners' Associations**

**by Community Affairs, Real Property & Probate and Rep. Starks** (CS/SB 0544 by Judiciary and Sen. Dyer)

Provides the following changes to the statutes governing mandatory homeowners' associations:

- Provides that reserve and operating funds of the association are to be held separately by the developer and prohibits commingling of association funds with the developer's funds or with those of another association;
- Provides for delivery of specified documents by the developer to the association members at the time the members are entitled to assume control of the association;
- Prohibits certain clauses in homeowners' association governing documents;
- Requires notice that certain documents are available in the record office in the county where the property is located; and
- Requires that a contract for sale must refer to and include the disclosure summary and must also include a statement that the potential buyer should not execute the contract until they have received and read the disclosure summary.

The effective date of this bill is October 1, of the year in which it is enacted (1998).

**CS/HB 3223 -- Land Platting**

**by Real Property & Probate and Rep. Dockery** (CS/SB 0406 by Regulated Industries and Sen. Clary)

- CS/HB 3223 revises existing definitions and adds new definitions in ch. 177, F.S., relating to land boundary regulation and platting of subdivided lands.
- The bill requires the platting of lands by "professional surveyors and mappers."
- The bill sets minimum standards for platting throughout the state. Different types of monuments are identified and minimum size requirements for the monuments are specified in law.
- All lot corners of the plat must be monumented prior to the recording or prior to release of the improvement bond in cases where the plat is recorded and the planned improvements are bonded.
- The bill requires that all plats be reviewed for conformity to ch. 177, F.S., by a professional surveyor and mapper either employed by or under contract with the local governing body. Evidence of the review must be placed on the plat. The cost of the review will be borne by the legal entity offering the plat for recordation.

The effective date of this bill is July 1, 1998.

**CS/HB 3319 -- Liens**

**by Governmental Operations & Rep. Merchant** (Passed as CS/SB 1466 by Judiciary & Sen. Dudley)

With regard to construction of public buildings:

- Provides an expedited procedure for the enforcement of a claim against a payment bond, and sets forth the form for “Notice of Contest Of Claim Against Payment Bond”.
- Provides for recovery of retainage.
- Provides that a contractor may serve a written demand on any claimant for a written statement of account, and sets forth requirements relating thereto.
- Provides that if the public authority requires a performance and payment bond, suits at law and in equity may be brought and maintained by and against the public authority on any contract claim arising from breach of an express or implied provision of a written agreement or at the written directive of the public authority.

With regard to construction in the private sector:

- Allows a solid waste company to use a construction lien to recover losses from a defaulting builder.
- Provides that a contractor's affidavit need only include lienors who have timely served a notice to owner, and that negligent inclusion/omission of information which is not prejudicial to the owner does not constitute a default.
- Establishes an additional manner of serving the notice to owner.
- Provides an expedited procedure for the enforcement of a claim against a payment bond, and sets forth the form for “Notice of Contest Of Claim Against Payment Bond”.
- Sets forth the forms for Waiver of Right to Claim Against the Payment Bond, for progress payments and final payment.
- Revises the amount of a payment bond from \$500 to apply to court costs to \$1,000 or 25% of the amount demanded in the claim of lien, whichever is greater; and, authorizes the court, under certain conditions, to increase the amount of the cash deposit or lien transfer bond.

The effective date of this bill is July 1, 1998.

**CS/CS/HB 3321 -- Condominiums and Cooperatives  
by Governmental Rules & Regulations, Real Property & Probate and Rep. Crow  
(CS/SB 1624 by Regulated Industries and Sen. Dudley)**

The bill provides the Division of Florida Land Sales, Condominiums and Mobile Homes with rulemaking authority to implement and ensure compliance with chapter 719, Florida Statutes, relating to cooperatives as follows:

- The developer's “obligations” to residents during conversion including requirements to file and notice intended cooperative conversions, provide rental agreement extensions, right of first refusal, disclosure and post-disclosure protections regarding the conversion.
- Prohibits a developer from closing on a contract for sale or a contract for lease for a period of more than five years until the developer complies with filing requirements.
- Allows a buyer to close during the fifteen days following execution of a purchase agreement if the buyer agrees to close during that time and the developer retains proof of such agreement for five years after the closing date.

Substantive changes to condominium and cooperative law include:

- If the initial condominium declaration was recorded prior to January 1, 1977, the association may operate more than one condominium as if it were a single condominium and may provide for a consolidated financial operation by amending its declaration or its bylaws if the amendment is approved by at least two-thirds of the voting interests.
- If a developer-controlled association has maintained all required insurance coverage, in the event of a natural disaster or Act of God, the developer and owners shall be responsible for a pro-rata share of expenses not covered by the proceeds of insurance.
- A developer-controlled association shall be required to “exercise due diligence” to obtain and maintain adequate insurance and the failure to obtain and maintain adequate insurance may be construed as a breach of fiduciary responsibility.
- An association must maintain year-end financial information on the condominium property for owners and prospective purchasers and the financial information must be referenced in contracts and included with prospectus or offering circulars.
- A vacancy on the board before the expiration of a term may be filled by the majority vote of the remaining directors, even if less than a quorum, or an election may be held conforming to the statutory election process, unless otherwise provided in the bylaws.
- If the declaration does not provide for cost of a master antenna system or cable television service, the board of administration may enter into a contract and the cost of the service will be a common expense to be allocated on a per-unit basis.
- A board member or committee member not present at a meeting may submit his or her agreement or disagreement with any action taken, but it may not be used for a quorum.
- A board member or committee member may vote by telephone for purposes of obtaining a quorum, if a speaker phone is used in order to hear the member’s vote.

The effective date of this bill is upon becoming a law.

**HB 3547 -- Homestead Tax Exemptions/Social Security Numbers**  
**by Rep. Littlefield** (Passed as SB 0830 by Sen. Cowin)

Deletes a requirement that an applicant for homestead tax exemption must provide his or her social security number as a condition of receiving the exemption.

The bill also deletes a provision which requires county property appraisers to submit social security numbers from homestead exemption applications, for the 2000 tax year and thereafter, to the Department of Revenue.

The effective date of this bill is July 1, 1998.

**HB 3763 -- Cemetery Preservation & Consumer Act**  
**by Rep. Crist** (CS/SB 1572 by Banking & Insurance and Sen. Harris)

HB 3763 is entitled the “Cemetery Preservation and Consumer Protection Act”, and amends several sections, and creates new sections, in Chapter 497, Florida Statutes, dealing with funeral and cemetery services. The bill provides a definition of “care and maintenance” as it relates to cemeteries, requires all licensed cemeteries to perform care and maintenance, and authorizes the Board of Funeral and Cemetery Services (“Board”) to make rules spelling out the minimum care and maintenance functions to be performed.

The bill provides:

- If a licensed cemetery wishes to sell lands within the cemetery, the licensee will have to give public notice and possibly undergo a public hearing to seek approval for the sale, if the land in question has ever been used for interments of human remains. If the land in question has never been used for interments, then no public notice or hearing will be required before the Department of Banking and Finance approves or denies the sale.
- New mausoleums or columbaria (buildings used as repositories for cremated remains) must be built in accordance with construction standards to be developed by the Board of Funeral and Cemetery Services. These standards will be promulgated as part of the state's minimum building codes by the Board of Building Codes and Standards. Any significant alterations or renovations of existing mausoleums or columbaria must also comply with the new standards. The Board of Funeral and Cemetery Services must also make rules assuring that all crypts and niches are securely and permanently sealed after human remains have been placed therein. Requirements for preconstruction trust funds for new mausoleums are extended to include columbaria.
- The bill enhances criminal penalties for cemetery vandalism from misdemeanors to felonies. Grave robbing is upgraded to a second degree felony. Civil enforcement is improved by specifying the Attorney General as a potential plaintiff and by adding a section allowing the use of nuisance abatement procedures for violations causing physical problems at cemeteries. Greater flexibility is given counties in carrying out their duties to bury or cremate unclaimed bodies.
- The bill creates a task force within the Department to study the problems of the estimated 2,000 abandoned cemeteries in Florida, and to make recommendations to the Legislature.

Provides an effective date of July 1, 1998, however, certain provisions of the act will not take effect until the Board promulgates specified rules.

**HB 3863 -- Coastal Zone Protection Act**  
**by Rep. Argenziano** (SB 1404 by Sen. Brown-Waite)

The Coastal Zone Protection Act of 1985 [the Act] provides for the management of the most sensitive portions of the state's coastal area through imposition of strict construction standards to minimize damage to the natural environment, private property, and life. The Act imposes minimum construction standards for Florida's coastal building zone.

The National Flood Insurance Program [NFIP] was established by the United States Congress in 1968 through passage of the National Flood Insurance Act. Participation in the NFIP is based upon an agreement between local governments and the federal government. If a community implements and enforces measures to reduce future flood risks to new construction in special flood hazard areas, the federal government will make flood insurance available within the community to protect against flood losses.

- The Act was amended by the 1997 Legislature to specifically exclude the cost of nonstructural interior finishings and roof coverings from cumulative substantial improvement determinations. According to the Department of Community Affairs, they have received daily calls for clarification of the provision regarding "nonstructural interior finishings."
- This bill modifies the definition of the term "substantial improvement" to specify that "nonstructural interior finishings" include, but are not limited to:
  - finish flooring and floor coverings,

- base molding,
  - nonstructural substrates,
  - drywall, plaster, and paneling,
  - wall covering, tapestries and window treatments,
  - decorative masonry and paint,
  - interior doors,
  - tile,
  - cabinets and moldings,
  - millwork,
  - decorative metal work,
  - vanities,
  - electrical receptacles, electrical switches, electrical fixtures,
  - intercoms, communications and sound systems,
  - security systems,
  - HVAC grills and decorative trim,
  - freestanding metal fireplaces,
  - appliances,
  - water closets, tubs and shower enclosures, lavatories, and
  - water heaters.
- By specifying these items to be “nonstructural interior finishings,” they will be excluded from the costs required to be included in the cumulative cost determination for rebuilding measures.

The effective date of this bill is upon becoming a law.

#### **HB 4449 -- Viatical Settlement/Provider Trusts**

**by Rep. Barreiro** (Passed as CS/SB 2004 by Banking & Insurance and Sen. Burt)

A “viatical settlement contract” is an agreement between a life insurance policyholder (“viator”) who has a terminal illness and an investor or group of investors (“provider”) under which the provider makes an up-front payment to the viator. In exchange for this payment, the provider assumes the obligation of paying premiums on the policy and becomes entitled to the proceeds of the policy upon the death of the viator. The concept of viatical settlements arose in response to AIDS patients’ need for immediate cash.

The bill provides that:

- A viatical settlement provider can pool funds from several investors, each of whom would be entitled to a proportionate share of the life insurance proceeds.
- A licensed viatical settlement provider would be able to establish a trust for the benefit of viatical investors. The effect of establishing such a trust would be to shield the viatical investment from liabilities of the provider that are not related to viatical settlement contracts.
- A trust which meets the definition of a related provider trust is excluded from the definition of a viatical settlement provider.
- There will be no additional license fee or deposit requirements under this act for a viatical settlement provider.
- Misrepresentation of the nature of a return or the duration of time to obtain the return of a viatical settlement investment is prohibited.
- A disclosure must be provided to investors, stating that the return available is directly tied to the life span and projected date of death of one or more viators; if a return is represented, the disclosure must state the projected life span or date of death of the viator(s) whose life or lives is tied to the return.

The effective date of this bill is July 1, 1998.



**CS/SB 1054 -- Condominiums/Rulemaking/DBPR (RAB)  
by Regulated Industries and Sen. Dudley**

This bill provides the duties of the Division of Florida Land Sales, Condominiums and Mobile Homes of the Department of Business and Professional Regulation and provides additional specific grants of rulemaking authority allowing the department to fully adopt rules necessary to implement, enforce and interpret provisions of chapter 718 and part VI of chapter 621, Florida Statutes. The bill requires:

- The information that must be disclosed to a buyer and the components for disclosure prior to the sale of a condominium.
- That a developer provide notice to a tenant of an intended conversion and prescribes the specific manner by which such notices must be mailed.
- In condominium conversions, the filing and noticing of intended conversions, rental agreement extensions, the period of right of first refusal, and the issuance and disclosure of post purchase protections issued or established by the developer.
- That the developer, upon recording the declaration of condominium or amendments adding phases to a condominium, shall file with the division such recording information on a specific form, within 30 days.
- That the board of directors of a condominium association must notify the division prior to taking any action to terminate or merge the condominium or the association.
- After recording a termination notice, the association shall provide the division with a copy of the recorded notice within 30 days.
- That a developer cannot close on any contract for sale or contract for a lease period of more than 5 years until the developer has been notified by the division that all documents submitted by the developer are in compliance.
- That a developer of a condominium conversion either establish reserve accounts for capital expenditures and deferred maintenance, offer warranties, or post a surety bond.
- The bill permits a board or committee member of a condominium to submit in writing his or her agreement or disagreement of any action taken at a meeting that the member did not attend. The written vote, however, may not be used to create a quorum. Board and committee members are permitted to attend a board or committee meeting by telephone; however, a telephone speaker must be used in order that the member can be heard by any unit owners present at the meeting.
- The bill permits a buyer to terminate a contract by written notice within 15 days after receiving all of the documents in this section. A developer is prohibited from closing for 15 days following the signed execution of the contract for sale unless the buyer is informed of the 15 day period to terminate and agrees in writing to close prior to the expiration of the 15 days.
- The bill provides that a tenant shall have the right of first refusal to purchase the unit in which the tenant resides and provides specific time frames for when the developer must make an offer and when the tenant must respond.

The effective date of this bill is upon becoming law.